INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT OF CANADA

on the Implementation of the Provisions of

Articles 13 to 15 of the Covenant

FEBRUARY 1985

F O R E W O R D

This report was prepared in co-operation with the governments of the provinces and territories. It is the last of a first series of three reports submitted to the United Nations on the implementation of the International Covenant on Economic, Social and Cultural Rights in Canada. Canada acceded to the Covenant in May 1976. The first report, on articles 6 to 9, was completed in August 1980, the second, on articles 10 to 12, in December 1982.

These reports are published in Canada so that they can be made available to interested groups and individuals. Through their publication, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Covenant and to broaden their understanding of the obligations contracted by Canada through its accession to this important international treaty.

Copies of the reports, in Canada's two official languages, can be obtained from the Communications Branch or the Human Rights Directorate of the Department of the Secretary of State in Ottawa, or at any regional or local office of the Department of the Secretary of State throughout Canada. These reports are distributed free of charge.

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GENERAL INTRODUCTION

A. Contents of the report

This report deals with the implementation of articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights, in accordance with the provisions of articles 16 and 17 of the Covenant and the program adopted by the United Nations Economic and Social Council. The general guidelines adopted by the Council and submitted by the Secretary-General served as a basis for its preparation. The headings of those guidelines are generally used for the various sections in a summarized form. 1

The principal texts of law and other documents discussed in this report will be transmitted to the Secretary-General as reference material. 2

B. The Canadian constitutional system

(a) Constitutional distribution of powers

Within the Canadian Confederation, legislative powers are exercised by the Parliament of Canada and provincial legislatures according to the distribution of powers set forth in the Constitution Act, 1867 (formerly known as the British North America Act, 1867) and the amendments thereto. Pursuant to a delegation of powers to the Territories by the federal Parliament, the two territorial assemblies also exercise legislative authority in certain areas. 3

In regard to the area of education, which is the subject of Articles 13 and 14 of the Covenant, section 93 of the Constitution Act, 1867 provides that "in and for each province the legislature may exclusively make laws in relation to education," subject to certain qualifications in regard to denominational schools or separate or dissentient schools. 4

The Government of Canada also assumes some responsibilities in the area of education, notably with regard to the Indian people, in relation to whom it has jurisdiction by virtue of section 91(24) of the Constitution Act, 1867 which gives the Parliament of Canada exclusive authority to legislate in favour of Indians and lands reserved for Indians. The Government of Canada also contributes to the financing of education within the provinces as will be explained later on in the present report. 5

The federal and provincial governments, and the territorial governments, assume responsibilities with regard to culture and science which are the object of Article 15 of the Covenant. Even if the Constitution does not contain explicit references to cultural and scientific activities, it is generally recognized that these responsibilities are shared between the federal and provincial governments. Some areas are under provincial jurisdiction, for example, licences in order to the raising of a revenue for provincial, local, or municipal purposes (s. 92(9)), local works and undertakings (s. 92(10)), property and civil rights in the province (s. 92(13)), and, generally, all matters of a merely local or private nature in the province (s. 92(16)). Other areas are under federal jurisdiction, for example, the census and statistics (s. 91(6)), weights and measures (s. 91(17)), patents of invention and discovery (s. 91(22)), 6

copyrights (s. 91(23)), and works and undertakings extending beyond the limits of a province or which are for the general advantage of Canada or of more than one province (s. 92(10)). Traditionally, the federal and provincial governments have shared responsibilities with regard to culture and science, as can be seen in the present report.

(b) Constitutional protection of rights

7 On April 17, 1982, the Canadian Charter of Rights and Freedoms came into force as Part I of the Constitution Act, 1982. The Charter provides constitutional guarantees respecting fundamental freedoms, democratic rights, mobility rights, legal rights, the rights relating to the two official languages of Canada, and minority language education rights. It also contains a guarantee of equality rights to come into effect on April 17, 1985.

8 The rights and freedoms referred to in the Charter are guaranteed equally to men and women. The Charter must be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada. Part II of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada.

9 The provisions of the Charter were explained in Canada's initial report on articles 10 to 12 of the Covenant (U.N. document E/1980/6/Add.32) as well as in Canada's Sixth Report on the International Convention on the Elimination of All Forms of Racial Discrimination (U.N. document CERD/C/76/Add.6) and in Canada's Supplementary Report on the Application of the Provisions of the International Covenant on Civil and Political Rights (U.N. document CCPR/C/1/Add.62).

PART I: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

COMMENTS ON ARTICLES 1-5

The comments made on articles 1 to 5 in Canada's report on articles 10 to 12 of the Covenant remain generally valid. In reporting on the rights covered by articles 13-15, attention will be given to the matters dealt with in those articles. At the outset the following should be noted. 10

The Canadian Human Rights Act, discussed in previous reports, was amended in 1983. The Act as adopted in 1977 prohibited discrimination in employment and in the provision of goods, services and accommodation on the following grounds: race, national or ethnic origin, colour, religion, age, sex, marital status, conviction for which a pardon has been granted and, in matters related to employment, physical handicap. 11

The 1983 amendments broadened the protection against discrimination. The prohibition of discrimination on the basis of physical handicap, which previously applied only to matters related to employment, now also applies to the provision of goods, services and accommodation. Discrimination is now also prohibited, in employment and in the provision of goods, services and accommodation, on the basis of mental disability as well as on the basis of previous or existing dependence on alcohol or a drug. The revised Act authorizes the Government of Canada to set standards for access to services, facilities and premises by persons with disabilities, and it permits the Canadian Human Rights Commission to approve plans drawn up by employers and those who offer goods, services and accommodation to adapt their services, facilities and premises to the needs of persons with disabilities. 12

In addition, the Act now expressly prohibits harassment on any of the prohibited grounds, including sexual harassment, as well as discrimination based on family status, pregnancy or childbirth. It specifies that all persons subject to a collective agreement, whether or not they are members of the union, are protected from discrimination on the part of the union organization, and prohibits discriminatory practices on the part of organizations of employers as well as by employers acting in their individual capacity. 13

With regard to Article 3 (equal rights of men and women), in addition to the information provided in the report on articles 10 to 12 reference can be made to Canada's first report under the Convention on the Elimination of All Forms of Discrimination Against Women, which was submitted in June 1983. 14

ARTICLE 13: RIGHT TO EDUCATION

Under Canada's Constitution education is a provincial responsibility. However, the Government of Canada has responsibility for the education of Indians residing on reservations or Crown land, children of military personnel stationed on Crown land or abroad, and inmates of federal penitentiaries. The Government of Canada is also involved in education, particularly through the provision of financial assistance to the provinces and to educational institutions. Information on those activities is presented below. Additional information can be found in "Support to Education by the Government of Canada", published by the Department of the Secretary of State in 1983, a copy of which is being forwarded to the Secretary-General with the present report. 15

A. Principal laws, etc.

16 The principal laws are: the Canada Student Loans Act, R.S.C 1970, c. S-17; the Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, 1977, S.C. 1976-77, c. 10; the Income Tax Act, S.C. 1970-71-72, c. 63; the Indian Act, R.S.C. 1970, c. I-6; and the National Training Act, S.C. 1980-81-82-83, c. 109.

B. Measures taken to promote the full realization of the rights of everyone to education with a view to achieving: the full development of the human personality and the sense of its dignity; the strengthening of respect for human rights and fundamental freedoms; the development of human rights teaching; the effective participation of all persons in a free society; the promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups; and the furtherance of the activities of the United Nations for the maintenance of peace.

17 The Government of Canada supports the ideals listed above. For example, the Department of the Secretary of State promotes the development of human rights teaching and distributes literature on human rights, including United Nations' documents, to schools, teachers and students. The Department co-operates in this endeavour with provincial governments, and it provides support to non-governmental organizations for their educational efforts. The Canadian Human Rights Commission also promotes human rights education and produces educational materials which may be used in schools. Many other departments and agencies, such as the National Film Board and the national museums, produce materials which may be used in schools and which promote the ideals listed above.

18 The Government of Canada promotes the full realization of the right of everyone to education at the international level as well, through the assistance provided to developing countries by the Canadian International Development Agency for, among other things, the building and maintenance of schools, the hiring and training of teachers, community development and adult education programs.

C. Right to primary education

(1) Measures taken for the realization of the right to primary education, including special provisions relating to specific groups.

Indigenous people

19 Under the authority of the Indian Act, the Department of Indian Affairs and Northern Development provides a full range of educational services, either directly or indirectly, for Indian children, between the ages of six and eighteen years, resident on Indian reserves or federal Crown lands in the provinces. Indian children attend primary (as well as secondary) schools operated by the federal government, by Indian band councils with federal government funding, or by provincial governments or private organizations with the federal government paying tuition fees to cover the operating costs incurred by provincial or private authorities. In the case of Indian band operated schools, the federal government also covers the administration costs required for the band authority controlling the education program.

The Department of Indian Affairs and Northern Development assists Indian and Inuit people in having access to educational programs and services which are responsive to their needs and aspirations, consistent with the concept of Indian control of Indian education. 20

The federal schools program provides education services similar to those provided in the provincial school system. These services include transportation (where required), books and supplies, and special services such as provisions for curriculum enrichment with Indian background, Native language studies and Native teacher-aides in primary and kindergarten classrooms. Other services are provided in accordance with the needs of individual bands and the availability of funds. These include the funding of school committees, curriculum committees, special curriculum materials, development projects and student allowances. 21

The majority of Indian children (53% in 1980-81) are enrolled in provincial and private schools (at the combined elementary and secondary level). Where negotiations have made it possible, the authorities operating the schools offer, in addition to the regular provincial programs, special programs which are relevant to Indian culture, such as Native language instruction, Native cultural studies and the employment of Native specialists. Tuition agreements between the department and provincial and private school authorities (with the active participation of Indian people) provide for sharing the costs of education on a per capita basis. Except in the provinces of New Brunswick and British Columbia where there are general (or master) tuition agreements, contractual arrangements are with local school boards. Under joint capital agreements, the cost of construction of school accommodation for Indian and non-Indian children is shared, again on a per capita basis. In line with the principle of local control, agreements are only negotiated with the participation of the Indian people affected. 22

The Indian Band Schools Program provides education services, at both the primary and secondary levels, to approximately 13,100 Indians in 155 Band-controlled schools under the Departmental Contributions to Bands Program which consists of the basic core curriculum offered in provincial schools, supplemented by culturally relevant courses as determined by the individual bands. 23.

It should be noted that a different situation exists in the Northwest Territories and the Yukon. There are no specific funding arrangements with the territorial governments or with the few local school boards that do exist for the education of the Indian students. In fact, each territorial government receives a net operating grant which represents the difference between total expenditures and total revenues, and a grant toward general capital expenditures. 24

Children of military personnel

In the provinces, the cost of primary and secondary education is met by revenues gathered under legislation governing the taxation of provincial residents and municipal revenues obtained through taxation on real property within a municipality. The municipality is, therefore, able to provide free public schooling to all children residing on taxable property whether they are dependants of military or civilian personnel. Since Crown lands are not taxable, the Department of National Defence recognizes its obligation to ensure the education of children of military and civilian personnel residing on Crown lands. This 25

obligation covers primary and secondary education under the applicable provincial curriculum to the level of Ontario grade 13 or the equivalent.

26 The authority to provide education facilities to children residing on Crown lands is vested in the Minister of National Defence by Order in Council. The Order also affords military personnel, whether residing on Crown land or on the local economy, the opportunity to have their children attend schools where the language of instruction conforms to the official language used in the home.

27 The authority to provide education facilities for children of military and civilian personnel serving abroad is vested in the Minister of National Defence by Order in Council and by Foreign Service Directives and Military Foreign Service Regulations. The responsibility of the Department of National Defence is to provide education to the level of Ontario grade 13 or the equivalent.

28 Where the required schooling is not available at a school of the Department of National Defence or other local school in Canada or abroad, the Department will authorize the attendance of dependent children at the nearest appropriate school and the payment of an education allowance to cover tuition and, where warranted by the distance factor, transportation, board and lodging.

(2) and (3) Percentage of children covered by free primary education.

29 Virtually 100% of all children whose education is the responsibility of the federal government are provided free primary education through attendance at a federal, provincial or private school.

D. Right to secondary education

(1) Availability and accessibility of secondary education.

30 Information on measures aimed at making secondary education available and accessible to everyone was provided in the section on the right to primary education.

(2) Availability of technical and vocational secondary education.

31 Information on this subject can be found under heading G.(2)(a).

(3) Progressive introduction of free secondary education.

32 In the areas in which the federal government is involved, as explained above, secondary education is free.

E. Right to higher education

(1) Accessibility of higher education.

(a) Specific federal responsibilities

(i) Indigenous people

33 The Department of Indian Affairs and Northern Development sponsors the Post-Secondary Education Assistance Program which makes post-secondary education more accessible to and improves the employability of registered Canadian Indians and

Inuit. Administered by the Department and in some cases by specific Indian bands, this program also aims at providing qualified Indian and Inuit human resources to help meet the managerial and professional needs of Indian and Inuit communities. Under the program, an eligible Native student may receive payment for tuition fees, books and supplies, transportation, student allowances to cover board and lodging and maintenance of dependants and related costs such as registration or special examination fees. To be eligible a student must be a registered Canadian Indian or Inuit resident in Canada and must be accepted for registration by a recognized Canadian institution.

The Department of Justice provides grants to Métis and non-status Indians for law school or special pre-law orientation courses. 34

(ii) Post-secondary education in the Canadian Forces

The Department of National Defence provides university education, without charge, to selected civilian candidates who wish to enrol in the Canadian Forces and to serving officers and other ranks. University education to the baccalaureate level, as well as some post-graduate training, is provided primarily through three military colleges. 35

(b) Improving access to post-secondary education

The Government of Canada began to provide significant levels of general support to the country's post-secondary education system in the early 1950s. From 1951-52 through 1966-67, the federal program allocated a grant to each province based on total population; each province's universities received a proportion of that grant on the basis of relative enrolments. Between 1966-67 and 1976-77, the federal government shared eligible post-secondary education operating expenses with the provinces on approximately a 50-50 basis. Since 1977-78, under the Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, 1977, the federal government has provided taxing capacity and cash payments to the provincial and territorial governments. Until 1983-84 and 1984-85 the total value of these transfers was adjusted in relation to changes in the population and gross national product; recent amendments introduced some restriction on this rate of growth in accordance with the government's fiscal restraint policy. 36

For the fiscal year 1984-85 provincial entitlements for post-secondary education are estimated at over 4.2 billion dollars, of which 1.9 billion are in the form of cash transfer and 2.3 billion in the form of tax transfer. 37

(2) Financial assistance for students in higher education.

Assistance to students is provided in the form of loans, tax exemptions, scholarships, and summer employment. 38

(a) The Canada Student Loans Program

The Canada Students Loan Program, established under the Canada Students Loan Act, provides loan assistance towards meeting the cost of study at the post-secondary level. The Program is funded by the Government of Canada and administered by the provinces under agreed criteria. All provinces approve loans under 39

the program except Québec which has established its own comparable plan for which it receives compensatory payments from the Government of Canada.

40 To be eligible a student must be enrolled, or qualified to be enrolled, in a designated institution, meet a provincially administered means test and be a Canadian citizen or landed immigrant. Loans are available for full- or part-time courses. Students apply to their province of residence. When an application has been approved, the provincial authority issues a certificate which allows the student to obtain a loan from a financial institution. These loans are guaranteed by the Government of Canada, which also pays the interests on loans for full-time courses until six months after the completion of studies.

41 An Interest Relief Plan was introduced in 1983 under which the Government of Canada pays the interest on loans for a further period on behalf of borrowers who are experiencing difficulty in assuming repayment for their loans due to temporary disability or inability to find employment. Permanently disabled borrowers may have their Canada Student Loans forgiven.

(b) Income tax exemptions

42 Under the Income Tax Act, students may deduct from their income tuition fees (if over $100) paid to a post-secondary institution or high school in Canada or to a post-secondary institution in the United States when a student residing in Canada close to the Canada - United States border commutes to that institution. A claim may be made by the student even if tuition fees are paid on his/her behalf by a parent or person other than an employer. Fees paid for tuition for full-time attendance at a university outside Canada in a course leading to a degree are also deductible, provided the course lasts 13 consecutive weeks or longer.

43 Apart from the deduction for tuition fees, students are entitled to deduct $50 for each month in the year during which they were in full-time attendance at a designated educational institution. Any portion of this deduction that the student does not need in order to reduce his/her taxable income to zero, may be claimed by a supporting relative.

44 Another tax preference afforded students concerns the treatment of scholarship income. Under the Income Tax Act, the first $500 of scholarship income is exempt from taxation.

45 Tax benefits are also available to parents wishing to save for their children's university education. Through Registered Education Savings Plans, funds contributed by parents can accumulate tax free. Moreover, upon withdrawal, the accumulated interest income is taxed in the hands of the student rather than at the typically higher marginal tax rate of the parent.

(c) Scholarships

46 Many departments and agencies assist students to pursue courses of study relevant to departmental missions through the provision of scholarships. A regularly updated Secretary of State publication, Guide to Federal Sources of Financial Aid for Canadian Post-Secondary Students, provides a list of award programs offered by federal government departments and agencies. A copy of this publication is being forwarded to the Secretary-General with the present report.

(d) Student employment

An important source of income for post-secondary students is short-term and/or part-time employment. Most federal government departments and agencies hire students during the traditional summer break. Many departments and agencies also participate in co-operative programs, which enable students to alternate university terms with terms of employment. 47

The Employment and Immigration Commission operates a number of programs to assist students with their employment needs. The Summer Canada Program offers short-term productive employment that allows the participants to acquire experience while working in community projects that are sponsored by various organizations or businesses or by individuals, and in projects sponsored by departments and agencies of the federal government. The Summer Career Access Program offers students salary grants for jobs in the public and private sectors and in non-profit organizations. 48

The International Exchange Program, consisting of the Student Exchange and Young Worker Exchange programs, permits both Canadian and foreign post-secondary students and young workers (trainees) to work temporarily in each other's country on a reciprocal basis. The Native Internship Program provides relevant employment opportunities for Native post-secondary students. Across Canada, between April and September, the Employment and Immigration Commission operates some 450 Canada Employment Centres for students. Over 300,000 temporary and casual placements are made through the centres each year. The Commission also operates Canada Employment Centres On-Campus at over 110 colleges and universities to assist students and employers with their employment needs. 49

F. Right to fundamental education

(1) Measures taken for the fundamental education of persons who have not completed the whole period of their primary education.

(a) The National Training Program

In 1982, the Parliament of Canada passed the National Training Act to replace the Adult Occupational Training Act of 1970. The present Act allows the federal government, in consultation with the provinces, to offer workers occupational training which will enable them to meet the economy's changing needs for skills more effectively and will increase the income and job opportunities of workers. One of the main features of the Act is its attention to training in occupations of national importance. Through various parts of the National Training Program, such as Basic Training for Skill Development and Job Readiness Training, the Canada Employment and Immigration Commission assists with the schooling of individuals so they will be able to undertake occupational training or find work, and provides assistance to the chronically unemployed and other persons. 50

(b) The Department of Indian Affairs and Northern Development

The Department of Indian Affairs and Northern Development provides adult basic education to Inuit and registered Indians through the following programs. The Occupational Skills Training Program, which provides financial assistance and/or training for Indian and Inuit people to obtain marketable job skills and 51

employment orientation. The Community Adult Education Program, which provides adults with opportunities to enhance the quality of their life through training in literacy, social and leadership skills. The Cultural/Educational Centres Program, which provides financial and other supportive assistance to enable Indian people to establish and operate cultural/educational centres. The purpose of this program is to make the process of education more relevant to the perceived needs of Indian people. The centres develop and offer programs of an educational nature based on Indian languages, culture and heritage, which are designed and implemented by Indian people.

(c) The Correctional Service of Canada

52 The Correctional Service of Canada operates academic and vocational programs in all of its major penitentiaries. Although the Service carries the full cost of such programs, the content of the curriculum taught is provided by the department of education of the province in which the penitentiary is located. Inmates receive the same provincial credits for their studies as do students in regular provincial schools. In many cases, the teachers are employees of provincial school boards or community colleges.

53 Programs at the literacy, elementary and secondary levels are provided at no cost to inmates. College level courses of a vocational or technical nature are also paid for, but inmates are expected to arrange payment for university academic courses and college humanities courses.

54 The 22 schools in the penitentiaries use some of the most modern equipment available to educators. Vocational shops are very well equipped, and the use of computers has recently been introduced.

G. Development of a system of schools

(1) Principal laws, etc.

55 The principal laws are: the Excise Tax Act, R.S.C. 1970, c. E-13; the Federal-Provincial Fiscal Arrangements and Federal Post-Secondary and Health Contributions Act, 1977, S.C. 1976-77, c.10; the Indian Act, R.S.C. 1970, c. I-6; the National Housing Act, R.S.C. 1970, c. N-10; and the National Training Act, S.C. 1980-81-82-83, c. 109.

(2) Measures taken to develop a system of schools.

56 The federal government has contributed and continues to contribute financial assistance for the construction, expansion and renovation of schools.

57 Under the authority of the Technical and Vocational Training Assistance Act, 1960, the Government contributed to the construction of 655 vocational schools and over 40 institutes of technology and allied trades between 1961 and 1967. Further assistance was provided after 1967, under the Adult Occupational Training Act, which compensated the provinces for capital and interest charges on buildings and equipment. The National Training Act, passed in July, 1982, enables the Canada Employment and Immigration Commission to enter into agreements with the provinces to provide financial assistance for the purchase, erection or conversion of buildings, machinery, equipment or other facilities for

use in occupational training for occupations of national importance. Financial assistance will also be provided for the initial operation of a facility and for the development of courses to be given. A fund (the Skills Growth Fund) has been established under the Act specifically to expand or upgrade technical training equipment and facilities.

The Department of Indian Affairs and Northern Development provides capital assistance for the building or enlargement of provincial schools where Indians are among the pupils. As well, the Department provides financial and other assistance to bands for the purpose of establishing and supporting band operated schools and cultural/educational centres in addition to the establishment, operation and maintenance of federal schools on Indian reserves. 58

The Excise Tax Act provides for the refund of federal sales tax on materials used in the construction of buildings for schools and universities. In addition, sales tax exemptions are provided to educational institutions for a broad range of furniture and equipment. 59

Under the Income Tax Act, educational institutions qualify as registered charities. As such, donations to these institutions are deductible up to 20% of the taxpayer's taxable income. 60

Provincial governments can recover certain capital expenditures incurred in the improvement or establishment of language training centres. They can also receive assistance for minority language teacher training institutes. 61

The Department of National Defence provides assistance to provinces and municipalities for the construction of new schools, additions to schools and upgrading of school facilities, where the education of dependants of armed forces personnel is involved. 62

The Department of Regional Economic Expansion has supplied financial assistance to many Canadian communities for the building of school facilities. 63

During the 1960s, the federal government provided financial assistance through the departments of Agriculture and Health and Welfare for the establishment of four new faculties of medicine and the expansion of three veterinary colleges. 64

Under the Federal-Provincial Fiscal Arrangements and Federal Post-Secondary and Health Contributions Act, 1977, the federal government shares with the provinces the costs of operating post-secondary education institutions, thus contributing indirectly to their development. 65

Finally, the Canada Mortgage and Housing Corporation, under the authority of the National Housing Act, may provide loans of up to 90 per cent of the capital cost of buying, constructing or adding to a student rental housing project which has the approval of a provincial government. 66

H. Establishment of an adequate fellowship system

Federal involvement in the provision of an adequate fellowship system has been described above under section E. 67

I. Improvement of the material conditions of teaching staff

(1) Principal laws, etc.

68 The principal laws, regulations and collective agreements which apply to the teaching staff are: the Public Service Employment Act, R.S.C. 1970, c. P-32; the Public Service Staff Relations Act, R.S.C. 1970, c. P-35; the Public Sector Compensation Restraint Act, S.C. 1980-81-82-83, c. 122; the Public Service Superannuation Act, R.S.C. 1970, c. P-36; the Supplementary Retirement Benefits Act, R.S.C. 1970, (1st Supp.) c. 43; the Isolated Post Regulations issued by the Treasury Board of Canada; the Agreement between the Treasury Board and the Public Service Alliance of Canada concerning the Education Group; and the Agreement between the Treasury Board and the Public Service Alliance of Canada concerning the Educational Support Group.

(2) Terms and conditions of employment of teaching staff.

69 Teachers and educational support staff employed by the Government of Canada are afforded the same protections as all other public servants. Hired under the terms of the Public Service Employment Act, they are appointed and promoted on the basis of merit, as determined by the Public Service Commission. They are protected from discrimination in relation to selection processes. They may, in most instances, appeal selection decisions that, in their opinion, were not made in accordance with merit. They are protected from unwarranted dismissal or demotion. In the event of a lay-off they may be appointed in priority and without competition to any position for which they may be qualified.

70 The working conditions of teachers and educational support staff are determined in the agreements reached between the Public Service Alliance, which represents them, and the Treasury Board. The current agreements, signed in 1982 under the terms of the Public Service Staff Relations Act, have been extended for two years by the Public Sector Compensation Restraint Act, which limits salary increases in the Public Service to 6% for the first 12 months and 5% for the remaining 12 months of the restraint period.

71 The basic remuneration of teachers is determined by the level of their professional qualifications and their years of experience and is comparable to that paid to teachers in the provinces.

72 In addition to the basic remuneration, teaching staff have the benefit of numerous social security advantages including severance pay, sickness or disability benefits and retirement benefits. Under the terms of their collective agreements, teachers and educational support staff are entitled to vacation leave with pay, paid civic holidays, sick leave with pay, and leave with pay for a number of reasons including marriage, bereavement of close relatives, court appearances, participation in a personnel selection process, injury-on-duty, or family-related responsibilities. They are also entitled to leave, without pay, for maternity, paternity, adoption, care and nurturing of pre-school age children, personal needs, or relocation of spouse. Maternity leave is compensated under the terms of the Unemployment Insurance Act, 1971, as explained in Canada's report under article 10 to 12 of the Covenant, heading 10-B(3).

73 Under their respective collective agreements, teachers and educational support staff are entitled to educational leave and professional development. Education

leave can be granted for periods up to one year renewable by mutual agreement. Employees on educational leave are entitled to receive allowances in lieu of salary equivalent to from 50 to 100% of their basic salary.

The Isolated Posts Directive provides to employees serving in isolated posts 74
cash allowances to compensate for the higher cost of living and the relatively unattractive environment as well as to cover certain travel costs.

J. Right to choice of school

For the large majority of Canadians "the liberty of parents or when applicable, 75
legal guardians to choose for their children schools other than those established by the public authorities", as provided for in Article 13(3) of the Covenant, is exercised through the provinces, which are responsible for education. The Government of Canada does not interfere with this liberty.

In the case of Indian children, for which the Government of Canada has responsi- 76
bility, section 118 of the Indian Act, requires Indian children to attend schools designated by the Minister of Indian Affairs and Northern Development, subject to qualifications which will be explained below. However, parents are recognized to have the right to send their children to schools other than those designated. In such cases, the Government covers the costs equivalent to the costs of maintaining children in schools provided by public authorities and the parents are expected to absorb the difference, if any. For handicapped children attending special schools, the Government absorbs the totality of the costs.

The liberty of parents and, when applicable, legal guardians, "to ensure the 77
religious and moral education of their children in conformity with their own convictions", also provided for in Article 13(3), is respected by the federal government and is protected by law. The Canadian Charter of Rights and Freedoms guarantees freedom of conscience and religion, as well as freedom of thought, belief, and opinion (section 2, (a) and (b)); the Canadian Bill of Rights guarantees freedom of religion (section 1 (c)); and the Canadian Human Rights Act prohibits discrimination on the basis of religion. In addition, the Criminal Code prohibits the obstruction or prevention of the celebration of divine service or any other religious or moral function (section 172).

Concerning the liberty of parents, or legal guardians, "to ensure the religious 78
and moral education of their children in conformity with their own convictions", within the school system, the Indian Act provides that no child whose parent is a Protestant should be assigned to a school conducted under Roman Catholic auspices and no child whose parent is a Roman Catholic should be assigned to a school conducted under Protestant auspices, except by written direction of the parent (section 118). Also, as mentioned above, parents have the right to send their children to schools other than those designated by the authorities.

The Indian Act further provides that where the majority of the members of a band 79
belongs to one religious denomination, the school established on the reserve that has been set apart for the use and benefit of that band shall be taught by a teacher of that denomination, and that where the majority of the members of a band are not members of the same religious denomination and the band by a majority vote of those electors of the band who were present at a meeting called for the purpose requests that day schools on the reserve should be taught by a

teacher belonging to a particular religious denomination, the school on that reserve shall be taught by a teacher of that denomination (section 121).

80 Finally, the Act provides that a Protestant or Roman Catholic minority of any band may, with the approval of and under regulations made by the Minister, have a separate day school or day school classroom established on the reserve unless, in the opinion of the Governor in Council, the number of children of school age does not so warrant (section 122).

81 Concerning the "opportunity to attend a school where teaching is in the native language", mentioned in the "guidelines", the Government of Canada supports such teaching in the case of official languages minorities (English-speaking Canadians in Québec and French-speaking Canadians outside Québec) and for Indian and Inuit children.

K. Liberty to establish and direct educational institutions

82 The Government of Canada does not interfere with the liberty of individuals and bodies to establish and direct educational institutions.

ARTICLE 14: PRINCIPLE OF COMPULSORY PRIMARY EDUCATION, FREE OF CHARGE FOR ALL

83 At the time of becoming a Party to this Covenant, compulsory primary education, free of charge for all, had already been secured in Canada.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

(1) Principal laws, etc.

84 The principal laws are the Broadcasting Act, R.S.C. 1970, c. B-11; the Canada Council Act, R.S.C. 1970, c. C-2; the Canadian Film Development Corporation Act, R.S.C. 1970, c. C-8; the Canadian Radio-Television and Telecommunications Commission Act, S.C. 1974-75-76, c. 49; the Cultural Property Export and Import Act, S.C. 1974-75-76, c. 50; the Department of Communications Act, R.S.C. 1970, c. C-24; the Historic Sites and Monuments Act, R.S.C. 1970, c. H-6; the Income Tax Act, S.C. 1970-71-72, c. 63; the National Arts Centre Act, R.S.C. 1970, c. N-2; the National Film Act, R.S.C. 1970, c. N-7; the National Library Act, R.S.C. 1970, c. N-11, ; the National Museums Act, R.S.C. 1970, c. N-12; and the Public Archives Act, R.S.C. 1970, c. P-27.

(2) Measures for the realization of this right, including:

(a) Information on the availability of funds and public support for private initiative.

85 Funds are available for the promotion of cultural development and popular participation in cultural life. These funds are allocated by Parliament to a number of departments and agencies for their "cultural" activities.

Public support for private initiative is extensive and is provided mainly through grants and contributions delivered to individuals and groups by a number of departments and agencies. Public support is also provided through various other means, such as tax exemptions. For example, under the Income Tax Act Canadian taxpayers are encouraged to contribute financially to the production of films, since they may deduct in the year of their investment 50% of their investment in a certified Canadian film or videotape production with the remainder being deductible from taxable income in the following year. 86

(b) Institutional infrastructure established for the implementation of policies to promote popular participation in culture.

(i) Institutional infrastructure

The institutional infrastructure established by the Government of Canada comprises a number of agencies created under the authority of Parliament. The most important among those agencies are reviewed in the following paragraphs. 87

The Department of Communications

The Department of Communications advises the Government on cultural policies and conducts programs of assistance for various activities such as book publishing, movable cultural property, and cultural activities of national character and significance. The Department also supports arts and culture activities through periodic sustaining and capital grants to arts and culture organizations. The Minister of Communications answers to Parliament for the agencies described below. 88

The Canada Council

Created by the Canada Council Act, in 1957, the Canada Council offers a wide range of programs of financial assistance and special services to individuals and organizations involved in the production, presentation and distribution of arts and culture products. Annual grants from Parliament are the Council's main source of funds. These grants are supplemented by income from a $50 million Endowment Fund established by Parliament in 1957. The Council also receives substantial amounts in private donations and bequests, usually for specific purposes. The Council works in close cooperation with federal and provincial cultural agencies and with the Cultural and Public Information Bureau of the Department of External Affairs. 89

The Canadian Commission for Unesco

The Canada Council Act, completed by an Order in Council of 1957, established a Canadian Commission for Unesco based on the constitution of Unesco. The Commission is a separate agency associated with the Canada Council which provides secretariat and budget. It has a membership of more than 100 non-governmental organizations and individuals working in the various fields of competence of Unesco. It draws on a vast network of expertise and human resources from public and private sectors; it can also draw on links with other national commissions of the member states of Unesco. As a liaison body, the Commission co-ordinates the Unesco programmes in Canada and advises the Department of External Affairs in its relations with the Organization. 90

The National Museums of Canada

91 The Government of Canada has established four national museums: the National Gallery of Canada, created in 1880; the National Museum of Man, created in 1910; the National Museum of Natural Sciences, created in 1842; and the National Museum of Science and Technology, created in 1967.

92 The museums are operated by the National Museums of Canada, a Crown Corporation established in 1968 by the National Museums Act. The purposes of the Corporation, under the Act, are "to demonstrate the products of nature and the works of man, with special but not exclusive reference to Canada, so as to promote interest therein throughout Canada and to disseminate knowledge thereof".

93 In 1972, the National Museums of Canada was given the responsibility of implementing the federal government's National Museum Policy. The National Programmes Branch was subsequently created to provide services and assistance to the Canadian museum community.

94 In June 1982, by Order in Council, the Government created the Canadian Museums Construction Corporation which is responsible for constructing a new gallery and other facilities for the National Gallery of Canada and a new building for the National Museum of Man. It is expected that construction of both buildings will be completed in 1987 at a total cost of 186.5 million dollars.

Parks Canada

95 The National Historic Parks and Sites Branch of Parks Canada, Department of the Environment, is the federal agency responsible for the commemoration of persons, places and events which have been declared of national significance.

The National Film Board of Canada

96 The National Film Board, established in 1939, is a public institution mandated to produce socially and culturally relevant films and to be a centre of excellence in research, development and training in the art and technology of film and video. The NFB produces a wide variety of audiovisual products, designed to respond to specific needs, and to stimulate debate and discussion on Canadian and international issues. In so doing, the NFB plays an active part in the definition and shaping of Canadian society and culture. Access to NFB films is provided through its offices in Canada and abroad, through broadcast and specialized television services, and in theatres. Information on films is available in the printed NFB catalogue, through an electronic data bank (FORMAT), and in specialized catalogues (for example, "Images of Women", "Films on Child Abuse").

The Canadian Film Development Corporation - Telefilm Canada

97 Created by the Canadian Film Development Corporation Act, in 1967, the Corporation provides financial assistance to producers of Canadian movies. The objective of the Corporation is to foster and promote the development of a Canadian feature film industry by investing in individual Canadian feature film productions in return for a share in the proceeds from these productions, by making loans to producers of individual Canadian feature films, and by advising and

assisting the producers of Canadian feature films in the distribution of films and in the administrative functions of feature film production.

In July 1983, the Government established the Canadian Broadcasting Program Development Fund to be administered by Telefilm Canada - the new name for the Canadian Film Development Corporation. The intent of the Fund is to assist in the development of a vigorous program production industry in Canada and to increase the quantity of high quality Canadian television productions in the categories of drama, children's programming and variety. 98

The National Library of Canada

The National Library of Canada, established in 1953 under the authority of the National Library Act, has the responsibility of ensuring that the written heritage of the Canadian people is preserved and of making it easier for the people and Government of Canada to share the resources of the country's libraries. 99

The Public Archives of Canada

The Public Archives of Canada, created in 1912 under the authority of the Public Archives of Canada Act, is responsible for acquiring, analysing and preserving important records of any kind concerning the different aspects of Canadian life and the country's development. 100

The National Arts Centre Corporation

The National Arts Centre Corporation was created in 1966 by the National Arts Centre Corporation Act to promote and maintain the National Arts Centre in Ottawa, to develop the performing arts in the National Capital Region, and to assist the Canada Council in the development of the performing arts elsewhere in Canada. In discharging this mandate, the Corporation presents in excess of 900 performing arts events at the National Arts Centre in Ottawa by both visiting artists and companies and its resident orchestra and theatre companies (English and French). The Centre also arranges and/or sponsors national and international tours by its resident companies and broadcasting and recording activities from its stages. 101

The Canadian Broadcasting Corporation

The Canadian Broadcasting Corporation is a Crown corporation, independent of government management, responsible for providing the national broadcasting service. Established in 1936 by the Broadcasting Act, the Corporation plays a central role in the implementation of the government's broadcasting policy as described in the Act (subsection (2)(e)). The Corporation operates six domestic broadcasting networks: AM and FM radio and television, broadcasting in French or English, with a combined national coverage of 99.1% of the population for television, 99.4% for AM radio and 74.6% for FM stereo radio. Native language broadcasting is provided in the Corporation's Northern Service, while the Overseas Shortwave Service broadcasts in 11 languages. The distribution network of the Corporation contains over 100 radio and television stations, 400 community owned or private affiliate stations, 1,000 rebroadcast transmitters and 85,000 kilometres of microwave and land-line connections, and uses satellite transmissions. 102

The Canadian Radio-Television and Telecommunications Commission

103 The Canadian Radio-Television and Telecommunications Commission was created by the Broadcasting Act, in 1968. Its mandate was expanded in 1976 by the Canadian Radio-Television and Telecommunications Act to include responsibility for the regulation of telecommunications carriers subject to federal jurisdiction. The Commission is charged with the regulation of all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy outlined in the Broadcasting Act.

(ii) Review of cultural policy

104 A review of the Canadian government's cultural policy has been carried out by the Federal Cultural Policy Review Committee which the Minister of Communications established in 1980 for that purpose. The Review Committee submitted its report to the Minister in November 1982 and the report has subsequently been reviewed by the Department of Communications, the Parliamentary Committee on Communications and Culture, and Cabinet. The Government has responded to the Review Committee's report by implementing cultural policy initiatives for broadcasting, film policy and copyright, and by increasing and extending the budgets for several cultural programs.

(c) Promotion of cultural identity as a factor of mutual appreciation among individuals and groups; and

(d) Promotion of the awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples.

105 Canada's population is composed of indigenous people whose ancestors were inhabitants of its territory long before the arrival of the European settlers, people of French and British origins, and people who came from all parts of the world and share a multitude of ethnic origins. Canada's identity is enriched by the diversity of cultures, languages, traditions and values of its population.

106 Such diversity is perceived as an asset, but this does not mean that there are no difficulties. For example, in 1963, a Royal Commission was established "to inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that contribution".

107 In its report, the Commission pointed out the disadvantages suffered by French-speaking Canadians and the imbalance between the two principal founding groups of the country and made a number of recommendations for rectifying the situation. This led to the adoption of a number of measures, some of which will be explained below. The Commission also pointed out the disadvantages suffered by groups other than British or French origin and made recommendations on the subject; these gave rise to a number of measures some of which are also described below.

(i) Official languages

The Official Languages Act, R.S.C. 1970, c. O-2, enacted in 1969, provides that the English and French languages are the official languages of Canada for all purposes of the Parliament and Government of Canada and recognizes that the two official language communities have the right to communicate and obtain services from federal institutions in the language of their choice, English or French. The Act establishes the office of Commissioner of Official Languages, who acts as linguistic ombudsman and auditor, who can, with the support of extensive powers of investigation, investigate complaints made to him and conduct his own investigations on the application of the Act. The Commissioner is appointed by Parliament and submits his annual report directly to this institution. 108

The Department of the Secretary of State administers the Promotion of Official Languages Program which has the following objective: "To foster awareness and respect of Canada's linguistic duality and to support non federal and private sector institutions to develop and provide services in both official languages". Through financial and/or technical assistance, the Program encourages and assists the development and accessibility of institutions to official language communities, as well as, the establishment and maintenance of official language minority services. It also encourages Canadian institutions, businesses and organizations to demonstrate the advantages and increase opportunities of bilingualism for all Canadians. 109

Other measures adopted by the federal government in this area include second-language teaching programs for public servants so that the federal public service can be better able to provide its services in both official languages, programs aimed at increasing the representation of French-speaking people in the federal public service, bonuses for public servants occupying positions requiring them to be bilingual, and contributions to the provinces for teaching the minority official language and for second-language learning. 110

(ii) Multiculturalism

In 1971, the Government stated its multiculturalism policy before the House of Commons which gave it unanimous support. In announcing the policy, the Government stated that it was concerned with preserving human rights, developing Canadian identity, strengthening citizenship participation, reinforcing Canadian unity and encouraging cultural diversification within a bilingual framework, and that these objectives could best be served by a policy of multiculturalism composed of the following four main elements: the Government would support all of Canada's cultures and would seek to assist, resources permitting, the development of those cultural groups which have demonstrated a desire and effort to continue to develop, a capacity to grow and contribute to Canada, as well as a clear need for assistance; it would assist members of all cultural groups to overcome cultural barriers to full participation in Canadian society; it would promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity; and it would continue to assist immigrants to acquire at least one of Canada's official languages in order to become full participants in Canadian society. At the same time, the Government announced a series of programs to be carried out by the Department of the Secretary of State and a number of cultural agencies. 111

112 In 1972, the Prime Minister of Canada appointed a minister responsible for the implementation of the multiculturalism policy and for the furthering of this policy across federal government programs and policies. The Minister is advised by a consultative council with members selected from a wide cross section of Canadian society. The Council serves to assist members of Canada's diverse ethnocultural groups to become involved in the consultative process and is an important source of information on opinions and trends of Canada's cultural communities.

113 Responsibility for multiculturalism programs is carried out by the Multiculturalism Directorate of the Department of the Secretary of State under the authority of the Minister of State for Multiculturalism. Through its programs, the Multiculturalism Directorate aims at promoting the cultural and social integration of immigrants into Canadian society, strengthening ethnocultural groups' identity, achieving multicultural harmony, and improving race relations. Support is provided through grants and other means for a number of activities including publications, performing and visual arts, research and courses of study, and the maintenance of ethnocultural organizations.

(iii) Indigenous peoples

114 The Department of the Secretary of State provides funding to the Native peoples associations to further their own development. It provides financial assistance for the establishment and maintenance of Friendship Centres which offer a meeting place for Native people in urban areas. It supports Native Communications Resources Centres which provide library services, radio and television programs, newspapers, and staff training. It provides assistance to Native women's groups. Finally, it provides grants and advice to voluntary organizations for projects which aim at ensuring the preservation and development of Native cultures and languages in the Canadian context, while making the social and cultural participation and expression of Native people more visible and meaningful to all Canadians.

115 The Department of Indian Affairs and Northern Development provides financial and supportive assistance to Indian bands for the establishment and operation of Native-run Cultural/Educational Centres. The objective of the centres is to make the process of education more relevant to the perceived needs of Indian and Inuit people. These centres develop and offer programs of an educational nature based on Indian and Inuit language, culture and heritage. Through the Cultural Development Program, it also provides grants to assist individuals, groups and organizations in expressing the Indian way of life through cultural endeavours. The Program funds research and preservation of Native culture, including language, literature, dance, games, music, art and drama. Exhibitions, festivals and other activities featuring Indian arts are promoted, thus contributing to a greater awareness by all Canadians of Native heritage and culture.

116 Numerous other programs are in place which contribute to the preservation of indigenous peoples cultures. For example, the Government's recognition of hunting and fishing rights through the land claims process, as well as the efforts of Department of Fisheries and Oceans and other resource agencies to define and protect these rights within their management programs, facilitate the survival and development of Native cultures of which hunting, trapping and fishing are the cornerstones.

(iv) Other measures

The National Museum of Man conducts research in Canadian studies and collects, preserves, and displays objects that reflect Canada's cultural heritage. The multiculturalism policy of 1971 provided that the Museum would receive further funding to carry out its projects regarding the history, social organizations and folk art of cultural groups other than the British and French. The Canadian Centre for Folk Culture Studies was established to collect, document, analyze and disseminate information about the traditional and popular aspects of these peoples including their folk literature, customary behaviour and material culture. The History Division conducts studies in the social, cultural and material history of Canada's non-indigenous peoples. The Canadian Ethnology Service of the Museum is responsible for similar studies of Canada's Indian, Inuit and Métis cultures. The Archeological Survey of Canada conducts archaeological research into the evolution of prehistoric man in Canada. 117

Since its inception, the National Film Board's program has reflected the cultural diversity of Canada. The National Film Board produces films relevant to the concerns and heritage of the ethnic groups and Native peoples. Some films are available in many languages other than English and French. 118

A Multilingual Biblioservice was formed by the National Library of Canada, in 1973, in response to the federal government's multiculturalism policy, to satisfy the requirements of Canada's many cultural groups for reading materials in their heritage languages. This service acquires books in many languages other than French or English and circulates them to libraries through the intermediary of provincial and regional public libraries. As well, the National Library collects, preserves and makes available over 200 ethnic newspapers and other serial publications. 119

The National Ethnic Archives Program of the Public Archives of Canada was also established in response to the multiculturalism policy to acquire, preserve and make available to researchers all types of archival materials which document the history of non-British/French ethnocultural communities: documentation on the development of these communities in Canada, their historical roots and the circumstances which led them to migrate to Canada. Traveling exhibits of archival materials pertaining to specific ethnocultural communities are also arranged. 120

The Canada Council awards grants to encourage the creation, interpretation or dissemination of works whose sources lie in the cultural heritage of Canada. 121

The Social Sciences and Humanities Research Council supports studies, research projects and publications dealing with the history, psychology and socio-economic conditions of ethnocultural groups and their contribution to Canada. 122

(e) Role of the media in promoting participation in cultural life.

In Canada, freedom of the press and other media of communication is protected by law. The federal government does not interfere with that freedom and it exerts no control over the material content or editorial policy of the media. The media are, therefore, free to promote participation in cultural life. They play an important role in the development and diffusion of culture, provide a public stage for cultural expression and facilitate participation in cultural life. 123

124 The broadcasting media are regulated by the Government of Canada through the Broadcasting Act which sets out broadcasting policies and establishes a regulatory body, the Canadian Radio-Television and Telecommunications Commission.

125 The Broadcasting Act provides that the Canadian broadcasting system should be effectively owned and controlled by Canadians so as to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada (section 3(b)). It also states that the programming should be varied and comprehensive, provide reasonable, balanced opportunity for the expression of different views on matters of public concern, and be of high standard, using predominantly Canadian creative and other resources (section 3(d)).

126 Canada's broadcasting system is composed of public and private parts in a single system (section 3(a) of the Broadcasting Act). The Canadian Broadcasting Corporation is requested under the Act to provide a national public network of radio and television in English and French, serving the special needs of geographic regions, and actively contributing to the flow and exchange of cultural and regional information and entertainment. The Corporation must provide a balanced service of information, enlightenment and entertainment for people of different ages, interests and tastes covering the whole range of programming in fair proportion. The Corporation must also contribute to the development of national unity and provide for the continuing expression of Canadian identity (section 3(g)).

127 The Canadian Radio-Television and Telecommunications Commission is charged with the responsibility of ensuring that the Canadian broadcasting industry adheres to the broadcasting policy enunciated in the Broadcasting Act. The Commission has the mandate to issue, amend, renew, suspend and revoke broadcasting licenses, attach conditions to licenses, make regulations regarding programming, and hold public hearings, with a view to implementing the broadcasting policy.

128 The regulations adopted by the Commission require broadcasters to provide a minimum level of programming of Canadian origin. For instance, the private sector must meet the same minimum level of Canadian content as the Canadian Broadcasting Corporation (60% for television overall, 30% of the music for AM radio, and a specified amount as a condition of license for FM radio, depending on the type of music presented), as well as undertaking significant Canadian productions.

129 The Canadian Broadcasting Corporation, in accordance with its mandate, provides a high level of Canadian programming: 70% for television and higher for radio. As a result, the Corporation provides a significant amount of Canadian produced drama, music and documentaries, and is the largest single employer of creative talent in Canada. The Corporation provides training and exposure for young performers, sponsors talent competitions, commissions and broadcasts Canadian works, provides a showcase of Canadian ballet, opera and theatre companies, engages Canadian free-lance artists of all kinds and develops skilled broadcasters, technicians and artists on its own staff.

130 Canada's broadcasting media provide multilingual programming and explore issues of relevance to ethnocultural groups including the indigenous peoples. Multilingual broadcasting, for instance, has expanded in Canada to such an extent that in 1980 there were 102 broadcast outlets (AM, FM, cable and TV) broadcasting 881 hours per week of third language programming.

To meet the special needs of Native people living in the far north, the Canadian Broadcasting Corporation Northern Service broadcasts in several Native languages and dialects and encourages community based programming by Native people. In addition, the Northern Native Broadcast Access Program was established as part of the Northern Broadcasting Policy in 1983 and is administered by the Department of the Secretary of State. This program provides funds ($40 million over four years) to allow Native producers in the North to produce radio and television programming in their own languages and relevant to their own cultures. The whole basis for this program is to use the broadcasting system as one tool to strengthen Native languages and cultures in the North. 131

(f) Preservation and presentation of mankind's cultural heritage.

It is the policy of the Canadian Government to ensure the preservation of Canada's cultural heritage and to enhance public access to that heritage. The Government also supports measures for the protection of the world's cultural heritage and it co-operates for that purpose with international organizations and other nations as will be explained below in section "F". 132

At least 32 federal departments and agencies are involved in some form of heritage activity. However, the main activities are carried out by the agencies whose activities are described below. 133

National Programmes Branch of the National Museums of Canada

The National Museum Policy adopted in 1972 had two objectives: to ensure the preservation of Canadian museum collections and to increase public access to them. As a result, the mandate of the National Museums of Canada was expanded, its budget nearly doubled, and the National Programmes Branch was created. This Branch is responsible for the implementation of the following programmes: the Canadian Conservation Institute, whose mission is to arrest the deterioration of and to restore artifacts, to conduct related research in support of the conservation community as a whole, to develop knowledge skills among conservators, and to create a general awareness of and interest in the field of conservation; the Canadian Heritage Information Network, formerly the National Inventory Programme, which provides a wide range of support services to help museums document, manage and share information about their collections in a more efficient and effective way; the Mobile Exhibits Programme, which circulates museumobiles among smaller communities that lack ready access to major museums, exhibiting artifacts and related materials depicting the geographic, archaeological, social and natural history of regions in Canada; the International Programme, which promotes interest in international museum activities and facilitates international exchanges of exhibitions to and from Canada; and the Museum Assistance Programmes, which provide financial and technical assistance to non-profit museums, art galleries, exhibition centres, and other museum-related organizations. 134

The National Gallery of Canada

The collections of the National Gallery of Canada range in time from the twelfth century to the present and have been developed along national and international lines. The collection of Canadian art is the largest and most comprehensive in existence and is continually augmented through the acquisition of contemporary 135

and historic art. There are over 40,000 works of art in the collections. Since 1966, more than 65% of new acquisitions have been Canadian works of art.

136 Exhibitions, lectures, films, guided tours and special events are provided for visitors to the Gallery in Ottawa. Elsewhere in the country people are served by travelling exhibitions, lecture tours, publications and reproductions. The Gallery participates in international exhibitions and prepares major exhibitions of Canadian art for showing in other countries. It also brings important exhibitions from abroad for showing in Canada.

137 The facilities of the Gallery include a Canadian Visual Arts Study Centre containing more than 82,000 books and periodicals, 34,000 auction catalogues, 26,000 exhibition catalogues, 42,000 files on Canadian art and artists, 160,000 slides and photographs and over 1,000,000 images on microfiche.

The National Museum of Man

138 The National Museum of Man conducts research in Canadian studies and collects, preserves and displays objects that reflect Canada's cultural heritage. The divisions of the Museum include the Archaeological Survey of Canada, the Canadian Centre for Folk Culture Studies, the Canadian Ethnology Service, the History Division, the Canadian War Museum, the Conservation Division, the Education and Cultural Affairs Division, the National Programmes Division, the Information and Special Projects Division and the Design and Technical Services Division. The National Museum of Man has eight permanent exhibitions in the Victoria Memorial Museum Building in Ottawa arranged thematically, showing historical progression and continuity. Approximately 20 travelling, temporary and special exhibitions produced by the Museum are circulating in Canada and abroad. The National Museum of Man also produces a wide range of publications and educational materials.

The National Library of Canada

139 The National Library Act requires that publishers deposit with the National Library two copies of every book or periodical published by them (sound recordings and educational kits are also collected on legal deposit). The Library compiles and publishes a national bibliography in which books produced in Canada, written or prepared by Canadians or of interest or significance to Canada are noted and described. It maintains a national catalogue in which the contents of the principal library collections throughout Canada are listed. It also engages in co-operative projects with other libraries, using the most advanced computer and telecommunications technology, in order to develop a voluntary, decentralized library and information network.

140 The main collections of the National Library include: an extensive collection of Canadiana, comprising books, periodicals, government documents, newspapers, theses and some non-book materials; a general research collection in the humanities and social sciences; special collections of music, rare books and literary manuscripts. Reference and information services are available to other libraries and to individuals to support work in these fields, as well as in library and information science, children's literature, and Canadian Indian rights. The Library also coordinates services in order to facilitate access to library resources by handicapped persons in Canada.

The Public Archives of Canada

The Public Archives of Canada is responsible for collecting, preserving and making publicly available the historical records of Canada. Material contained in the Public Archives of Canada is made available to members of the public, unless public access is specifically disallowed by legislation or donor restriction. The Public Archives operates a reference and inquiries service, fulfilling both written and oral requests. Historical and genealogical documentation is made available for the purpose of research and reproduction. The Public Archives also compiles, edits and publishes the "Union List of Manuscripts in Canadian Depositories", a catalogue of unpublished manuscript material and government records available to the public in Canadian archival institutions. Exhibitions of material from the archival collections are regularly conducted, usually in cooperation with institutions which provide the display place. 141

World heritage sites

In accordance with the World Heritage Convention, to which Canada adhered in 1976, as of December 1983, eight Canadian sites were on the World Heritage List. Among these, three pertain to Canada's cultural heritage. They are: l'Anse aux Meadows National Historic Park, in Newfoundland, which is the only authenticated site of Norse settlement in North America and the site of the first European settlement in the western hemisphere; the Anthony Island Provincial Park, in British Columbia, which contains Ninstints village which is the most impressive and remarkable coastal Indian site in the Pacific Northwest and represents a vanished culture of great richness and significance; and the Head-Smashed-In Bison Jump, in Alberta, which records Native cultural development spanning at least 5,700 years and illustrates the cultural dynamics and sophisticated development of prehistoric inhabitants of the North American Plains. 142

National historic parks and sites

The National Historic Parks and Sites Branch of Parks Canada is involved in the conservation, interpretation and display of artifacts in more than 100 national historic parks and major historic sites representing a wide variety of historical themes across Canada. The Branch is also responsible for the management of heritage canals for the protection, enjoyment and interpretation of their natural and cultural heritage values. Assistance may be provided to other levels of government and private non-profit organizations to acquire, restore and operate structures of outstanding national historic and/or architectural significance under co-operative cost-sharing agreements. 143

The Branch is also responsible for the implementation of the Federal Heritage Buildings Policy approved by the Government in 1982. The Policy provides for the identification, evaluation, designation, protection, conservation and continued use of heritage buildings owned and operated by all federal departments and agencies by developing criteria, standards, guidelines and procedures to be used by the Federal Heritage Buildings Review Office as well as by the owners. 144

(g) Freedom of artistic creation and performance and limitations imposed on that freedom.

The Canadian Charter of Rights and Freedoms guarantees the right of every person to freedom of thought, belief, opinion and expression, including freedom of the 145

press and other media of communications (subsection 2(b)). The Canadian Bill of Rights also guarantees freedom of speech and freedom of the press.

146 The Broadcasting Act states: "all persons licensed to carry on broadcasting undertakings have a responsibility for programs they broadcast but the right to freedom of expression and the right of persons to receive programs, subject only to generally applicable statutes and regulations, is unquestioned" (s. 3(c)).

147 In Canada, there are few restrictions on artistic creation and performance. Such restrictions would be related to such matters as public morals or the protection of the rights and reputation of others.

(h) Professional education in the field of culture and art.

148 Canadian colleges and universities provide a wide range of programs in fields of study related to arts and culture. By its support to post-secondary education, the Government of Canada contributes to the cost of these programs. In addition, many federal departments and agencies, such as the Canada Council, provide scholarship assistance for professional training specifically in the fields of arts and culture.

(i) Other measures.

Control of the exportation and importation of cultural property

149 In 1975, Parliament adopted the Cultural Property Export and Import Act, which is designed to keep in Canada, in the public domain, that which is deemed to be of national importance. The Act also deals with the import into Canada of cultural property illegally exported from foreign states: this aspect of the Act will be reviewed below, under section F.(2)(a).

150 The Act establishes control mechanisms for the export and import of cultural goods. A Canadian Cultural Property Control List, established by the Governor in Council, may include any objects considered necessary to control to preserve the national heritage. It is illegal, under the Act, to export or attempt to export from Canada any object included in the list without a permit. There are penalties for such offences.

151 The Act provides for grants and loans to be made to designated institutions and public authorities to acquire cultural property for which export permits have been denied, and which they wish to acquire, or for the repatriation of cultural property of outstanding significance and national importance.

Income tax deductions for donations of cultural property

152 The preservation of cultural heritage is further enhanced through the possibility afforded to donors to deduct from their taxable income the value of goods donated to a designated institution. Under the Income Tax Act, donations amounting to 20% of gross income made to charitable institutions can be deducted from taxable income, and the totality of the value of donations to an agency of the federal or a provincial government can be deducted. The donation of works of arts or items of cultural interest could qualify for such a deduction. Further deductions can be claimed if the object donated meets the requirements of outstanding significance and national importance under the terms of the

Cultural Property Export and Import Act and is donated to an agency designated to receive such gifts.

B. Right to enjoy the benefits of scientific progress and its applications

(1) Principal laws, etc.

The principal laws relevant to the right to enjoy the benefits of scientific progress and its applications are those which create the various departments and agencies involved in the development, conservation and diffusion of science. 153

(2) Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures to promote a healthy and pure environment and information on the institutional infrastructures established for that purpose.

Information on measures taken "to promote a healthy and pure environment" was provided in Canada's report under articles 10 to 12 of the Covenant, in section 12-B.(3). In the following sections, information will be provided on the institutional infrastructure, the strategy for the increase of expenditures in the area of science, and the assistance provided for science activities. 154

(a) Institutional infrastructure

The institutional infrastructure through which the Government of Canada discharges its responsibilities in the area of science comprises many departments and agencies which exert scientific activities in varying degrees. The role of the main participants is reviewed below. 155

The Ministry of State for Science and Technology

The Ministry of State for Science and Technology was established in 1971 by proclamation under the Ministries and Ministers of State Act, R.S.C. 1970 (2nd supplement), c. 14, Part IV. The Ministry is the central department responsible for science policy and the co-ordination of federal science activities. The main objective of the Ministry is to encourage the development and use of science in support of national goals. To achieve this objective, its responsibilities are: to formulate and develop policies for and to advise on both the support of science and technology and the application of science and technology to national issues, as well as to foster the use of scientific and technological knowledge in the formulation and development of public policy. Since 1982 the Secretary of the Ministry has also been the Chief Science Advisor to the Government. 156

The Department of Regional Industrial Expansion

The Department of Regional Industrial Expansion was established in 1983 by the Government Organization Act, 1983, S.C. 1980-81-82-83, c. 167, Part II. The new Department generally assumed responsibility for the programs of two antecedent departments, Regional Economic Expansion and Industry, Trade and Commerce. The Act charges the Minister with, among other things, improving opportunities for productive economic expansion in all regions of Canada, improving access to those opportunities, and promoting the application of advanced technology and 157

modern management techniques, the modernization of equipment and the utilization of improved industrial design and standards. As a result, the Department has undertaken both direct and indirect measures. Through its Industrial and Regional Development Program, it provides direct assistance to industry on a graduated basis with greatest assistance accorded to areas where opportunities are exceptionally inadequate. Indirect measures taken to ensure the application of scientific progress for the benefit of everyone include the Institutional Assistance Program which assists the establishment of non-profit organizations to provide research and development and other specialized technical services under contract to industrial and other clients. Under this program two Management Advisory Institutes, sixteen Centres for Advanced Technology, eleven Industrial Research Institutes, seven Industrial Research Associations, one Productivity Centre, and two Industrial Innovation Centres have been established. Support is provided for five to eight years after which an institute or centre is expected to become self-supporting.

The Science Council of Canada

158 The Science Council of Canada was created in 1966 as a source of independent advice on science and technology policy. Although it is a federally funded crown corporation, the Council operates at arm's length from the government, designing and conducting its own research programs and publishing its finding at its own discretion. The primary functions of the Council are to: analyse science and technology policy issues; recommend policy directions to government; alert Canadians to the impact of science and technology on their lives; and stimulate discussion of science and technology policy among governments, industry and academic institutions. The Council's duties are set out in detail in the Science Act, 1966-67. Amendments passed in 1978 expanded these duties, stressing the national role of the Council and its mandate to increase public awareness of science and technology policy issues.

The National Research Council of Canada

159 The National Research Council of Canada, established in 1916, has the mandate to promote, assist and undertake scientific and industrial research for national development. The Council derives its authority from the National Research Council Act, R.S.C. 1970, c. N-14, and reports to Parliament through the Minister of State for Science and Technology. The Council's activities include basic and exploratory research in the natural sciences and engineering, research on long-term problems of national concern, research in direct support of industrial innovation and development, research to provide technological support of social objectives, research and services related to standards, and the management of national facilities as a service to industry, governments and universities. The Council also supports industrial research and development through the Industrial Research Assistance Program under which Canadian companies engaged in projects involving a significant technical challenge to the company are eligible for awards to cover the salaries and wages of research and development staff working on approved projects.

The Medical Research Council of Canada

160 The Medical Research Council was established in 1969 under the Government Organization Act, 1969, S.C. 1968-69, c. 28. The Council reports to Parliament through the Minister of National Health and Welfare. The primary function of

the Medical Research Council is to promote, support and undertake basic, applied and clinical research in Canada in the health sciences and to act in an advisory capacity to the Minister of Health and Welfare on matters of health research.

The Natural Sciences and Engineering Research Council of Canada

The Natural Sciences and Engineering Research Council was established in 1978 under the Government Organization (Scientific Activities) Act, 1976, S.C. 1976-77, c. 24, Part III. It reports to Parliament through the Minister of State for Science and Technology. The objective of the Council is to promote and support the development and maintenance of research in the natural sciences and engineering and to assist in the provision of highly qualified manpower. 161

The Social Sciences and Humanities Research Council of Canada

The Social Sciences and Humanities Research Council was established in 1978 under the Government Organization (Scientific Activities) Act, 1976. It reports to Parliament through the Secretary of State. The objective of the Council is to promote and assist research and scholarship in the social sciences and humanities. The Council supports independent research judged by scholars to best advance knowledge; it encourages research on subjects considered to be of national importance; it facilitates the dissemination and exchange of the results of research and scholarships; and it assists in and advises on maintaining and developing the national capacity for research. 162

Inter-council co-ordination

The work of the Medical Research Council, the Natural Sciences and Engineering Research Council and the Social Sciences and Humanities Research Council is co-ordinated by an Inter-Council Co-ordinating Committee chaired by the Secretary of the Ministry of State for Science and Technology. 163

Other participants

Many other departments and agencies carry out research activities. For instance, the Department of Agriculture conducts basic and applied research on a variety of agricultural problems and it maintains 26 research stations, 11 experimental farms, 17 substations, and a total of 10 national research institutes, centres and services. The Department of Communications is involved in the development of new communication technologies. The Department of Energy, Mines and Resources conducts on-going research and information collection in the fields of geology, surveys and mapping, earth physics, remote sensing, energy, resource technology, mineral and energy economics and statistics. The Department of the Environment carries out research on various aspects of the environment including atmospheric pollution, acid rain, and the impact of human activities on stratospheric ozone and of toxic chemicals in the environment. The Department of Fisheries and Oceans carries out fisheries and oceanographic research including research on aquatic habitat and resource enhancement. The Department of National Health and Welfare conducts scientific activities which help promote, preserve and protect the health and social welfare of Canadians. The Research Company of Atomic Energy of Canada Limited carries out basic and applied research in the field of atomic energy for peaceful purposes. The Canada Mortgage and Housing Corporation provides grants to stimulate advanced research in various aspects of housing and to improve housing for Canadians. 164

The Corporation also develops housing standards and guidelines and provides research scholarships. The Department of Public Works has developed and improved the Barrier-Free Design Standard, the leading standard to provide for the accessibility of existing and new buildings to disabled persons. The Department of Consumer and Corporate Affairs inspects and tests consumer products to ensure consumer protection and safety. The Department of Transport is involved in various aspects of research in marine, air and surface transportation. Labour Canada has a fund to support research into the human and social aspects of technological change in the work place. Finally, as the national statistical agency, Statistics Canada has a mandate to collect and publicize a wide range of social and economic information.

165 Other bodies also perform research functions. For example: the Standards Council of Canada fosters standards in relation to the construction of buildings and structures, and the production of manufactured products, articles and other goods, and the Economic Council of Canada conducts economic research and publishes economic information and an annual review of the country's economic prospects and problems.

(b) Strategy for the increase of expenditures for scientific activities

166 A review of Canada's scientific expenditures carried out by the Ministry of State for Science and Technology in 1980 led to the development of a new strategy for the increase of such expenditures in the years to follow. The review had shown that, following substantial expansion in the latter half of the 1960s, research and development spending in Canada during the 1970s had remained relatively constant in real terms. During that period, while expenditures had increased consistently, they had not kept pace with inflation and the total effort had therefore diminished in comparison with the increase in the gross national product (between 1965 and 1971, the percentage of expenditures for research and development had constantly been above 1.2% of the gross national product, reaching a high 1.29% in 1967, while during the period 1972 to 1980, it had hovered around 1.0% dropping to a low of 0.94% in 1976).

167 It was further recognized that, based on data collected for the year 1977 by the Organization for Economic Cooperation and Development, Canada's research and development expenditures were lagging well behind those of the leading industrialized countries, particularly in the proportion of research and development done in industry.

168 To correct this situation, the Government of Canada adopted a planning framework aimed at increasing Canada's performance in research and development to a level approaching that of the more industrialized nations belonging to the Organization for Economic Cooperation and Development. The year 1985 was set as the date for having gross expenditures on research and development reach 1.5% of the gross national product. Within this target, the federal government's share of expenditures would be 0.5% of the gross national product, or one third of the total, while the industry's share would be 0.75%, or one half of the total, and the balance of 0.25% would be shared by the provincial governments, the universities and other sources. During the past decade the proportion of research and development funds expended in industry has increased by almost 10% so that now just over half of Canada's research and development is performed by industry.

Federal government expenditures for science activities totaled 2.93 billion dollars in 1982-83, an increase of 13% over 1981-82. In 1981-82, expenditures had increased 17% over those of the previous year which in turn had increased 15% over those of 1979-80. 169

Further information on the Canadian Government science expenditures can be found in the publication "Federal Science Activities" published yearly since 1977 by the Ministry of State for Science and Technology. A copy of the 1982-83 edition of this publication is being forwarded to the Secretary-General along with the present report. 170

(c) Support for extramural science activities

The Government provides support for scientific activities carried out by industry, universities, Canadian non-profit institutions, provincial and municipal governments, and for initiatives in foreign countries. Direct funding for such activities in 1982-83, in the form of contracts, grants, contributions or transfer payments, were forecasted at 1,132.7 million dollars, which represented 39% of the total federal government science expenditures. Forty-three per cent of all the funding was directed at industry and thirty-nine per cent at universities. 171

(i) Support for industrial scientific activities

Funding of industrial research

The government's direct support of industry science and technology activities was expected to reach $482.9 million in 1982-83, an increase of 15.8% over forecast expenditures of 1981-82, and a 57.8% increase over 1980-81 expenditures. The principal sources of support were the Department of Industry, Trade and Commerce for a total of 155.9 million dollars and the National Research Council for a total of 85.8 million dollars. Other major contributors were the Department of National Defence (47.1 million dollars), the Department of Energy, Mines and Resources (35.9 million dollars), the Canadian International Development Agency, for projects of international aid (27.1 million dollars) and Atomic Energy of Canada (26.9 million dollars). Other contributors included the Department of Fisheries and Oceans, the Department of Transport, the Department of Supply and Services, the Department of the Environment, the Department of Communications, and the Natural Sciences and Engineering Research Council. 172

Technology transfer

Under the technology transfer policy, government laboratories are encouraged to identify at an early stage research that may be of possible industrial interest, and to plan for the successful transfer to, and exploitation by, industry of the results of the research. There are many programs and activities which directly or indirectly transfer technology from government or universities to industry. For example, the Program for Industry/Laboratory Projects, administered by the National Research Council, aims at bringing about the application and use of scientific and engineering knowledge developed in all government and university research establishments in situations in which significant economic and social benefits to Canada can be foreseen. It is a co-operative program between industry and government and university research establishments which offers assistance in the identification, development and licensing of technologies to which government research staff can make a significant contribution. 173

174 The Canadian Patents and Development Limited was established to make available to the public, through licensing arrangements with industry, the industrial and intellectual property which results from publicly funded research.

Tax incentives

175 Research and development tax incentives encourage the advancement of science and technology in industry. For example, section 37 of the Income Tax Act allows taxpayers who carry on their business in Canada to deduct fully both current and capital expenditures for research and development in the year in which they were incurred or any subsequent year. Firms carrying out research and development are also eligible for a minimum 20% investment tax credit for scientific research expenditures of a current or capital nature. Small businesses are eligible for a 35% tax credit on their research and development expenditures. Another measure is the scientific research tax credit which has the effect of allowing research and development performing firms to transfer the value of the tax benefit of the deductions and related investment tax credits for scientific expenditures to new investors in the form of a 50% tax credit. The scientific research tax credit is intended to benefit firms which are not taxable and which wish to attract external financing.

(ii) Support for research done in universities

176 The Government of Canada supports university science and technology both directly, through grants, contributions and contracts, and indirectly, through transfer payments to the provinces under the Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, 1977.

177 Direct support (which does not include transfer payments) was expected to reach the level of 441.2 million dollars in 1982-83, an increase of 13% over 1981-82 payments and 38% over those of 1980-81. The larger portion of the payments (82% in 1982-83) is provided by the three granting councils - the Natural Sciences and Engineering Research Council (209.5 million dollars), the Medical Research Council (107.1 million dollars), and the Social Sciences and Humanities Research Council (45.2 million dollars). Other contributors include the National Research Council, the Department of National Health and Welfare, the Department of Agriculture, the Department of Energy, Mines and Resources, the Department of the Environment, the Department of National Defence, the Department of Transport, the Department of Communications, the Department of Fisheries and Oceans, and the Department of Labour.

(3) Diffusion of information on scientific progress.

178 The diffusion of information on scientific progress is facilitated by the freedom of information which exists in Canada. People are free to disseminate, exchange and seek information on this subject as well as on any other subject. Scientists and research institutions are free to publish and discuss their findings publicly. The communications media are free to disseminate information on scientific progress and they carry regular scientific reporting and programming. The Government of Canada encourages the diffusion of information on scientific progress and it maintains a number of programs to that effect.

179 The Canada Institute for Scientific and Technical Information, a division of the National Research Council, provides a national scientific and techni·al

information service to industry, educational institutions and government. The Institute has accumulated an outstanding collection of books, journals, reports, reference works and data bases from across the world, in the natural sciences, engineering and health sciences. The Institute receives over 200,000 requests for information each year. Automated bibliographic services such as the Canadian Online Enquiry System (CAN/OLE), the Canadian Scientific Numeric Data Bases (CAN/SND), and the University of Toronto Library Automation Systems (UTLAS), which contains information on the holdings of over 130 Canadian libraries, are available to users of the Institute's services. Also available to clients with specific interests is the personalized information service CAN/SDI, the Canadian Selective Dissemination of Information Service, which matches a client's interest profile with the most recent scientific, technical or social science literature available in journals, conferences, technical reports and theses. Both CAN/OLE and CAN/SDI provide access to a broad spectrum of Canadian and international bibliographic data bases. A client may, from a computer terminal anywhere in Canada, request from the Institute a copy, in both official languages and on a rate equalized basis, of any of the millions of documents listed on national and international data bases.

The National Research Council also maintains a Technical Information Service as part of its Industrial Research Assistance Program. This service, which is oriented to the needs of small and medium manufacturing businesses which have limited research resources, provides technical information to help solve manufacturing problems, improve productivity, identify opportunities resulting from technological developments, and to promote the use of research results in industry. This service handles over 20,000 inquiries annually and provides in-depth assistance to over 500 firms. 180

The National Library of Canada facilitates the use of Canada's total library resources through the maintenance and publication of lists of periodicals held in Canadians libraries. Lending and research activities are also supported by the development of a broad collection of books, periodicals and government documents in the field of the social sciences and humanities. 181

Statistics Canada compiles, analyses and publishes statistical information relative to the commercial, industrial, financial, social and general condition of the people and conducts regularly a census of population, housing and agriculture as required under the Statistics Act. Statistics Canada is a major publication agency of the federal government; its reports cover all aspects of the national economy and social conditions of the country. 182

The National Museums of Canada also play an important role in the diffusion of information on scientific progress in the subject areas of interest to the individual museums, through publications, exhibitions, and services to schools, researchers and the general public. 183

The National Museum of Science and Technology, located in Ottawa, is designed to increase the scientific literacy of Canadians and visitors and to familiarize them with the history of science and its application to the technologies. The Museum displays are colourful, inventive and designed to involve people in the learning process. There are guided tours for school children as well as tours for special interest groups and casual visitors. The Museum hosts more than 700,000 visitors annually. The National Museum of Science and Technology also operates the National Aviation Museum which houses a world class aeronautical 184

collection at Rockcliffe Airport and the National Agriculture Museum located at Agriculture Canada's Central Experimental Farm in Ottawa. The collections are preserved, researched and made available in Canada and abroad with a view to bringing the story of science and technology to the widest audience possible.

185 The National Museum of Natural Sciences has seven permanent natural history exhibit halls in the Victoria Memorial Museum Building, in Ottawa. The Museum includes five scientific divisions: Botany, Invertebrate Zoology, Vertebrate Zoology, Mineral Sciences and Paleobiology. These divisions carry out research and curate the national collections in natural history. The Museum presents lectures, film screenings, activity workshops and interpretive lessons for teachers and their students as well as the general public. There is an information centre which provides visitors and correspondents with information on natural history topics. The Museum is also engaged in a school loans service, the development of educational resource materials and a program of travelling and special exhibitions.

186 The Department of Energy, Mines and Resources provides information to the public and to industry in a variety of areas including geophysics, geology, mining technology, mineral processing, remote sensing, conservation programs, etc.

187 The Department of the Environment makes available climatological data through publications, statistical abstracts, microfilm, digital data or custom computer analysis to the general public and to specialized users.

188 The Department of Fisheries and Oceans disseminates scientific information concerning fisheries and marine science and oceanographic data through a variety of publications and interpretative material.

189 The Canadian Broadcasting Corporation diffuses scientific information through regular programs on radio and television.

190 Many other departments and agencies publish scientific information which is made available to the public through various means including a listing of all government publications distributed to Canadian libraries by the Canadian Government Publishing Centre within the Department of Supply and Services.

191 Finally, it should be mentioned that, on April 1, 1983, the Access to Information Act, S.C. of Canada, 1980-81-82-83, c. 111, adopted by Parliament in 1982, came into force. According to section 2, the purpose of the Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government. The Act is intended to complement existing procedures for access to government information and is not intended to limit access to government information.

(4) Measures taken to prevent the use of scientific and technical progress for purposes contrary to the enjoyment of human rights.

192 The use of scientific and technical progress for purposes which are contrary to the enjoyment of human rights could be curbed through the human rights

legislation, including the Canadian Charter of Rights and Freedoms, the Canadian Bill of Rights and the Canadian Human Rights Act, the penal legislation, including the Criminal Code, or through the laws that regulate the operations of various sectors of activity, including those that deal with health and security and those that restrict the use of hazardous products.

(5) Restrictions which are placed upon the exercise of this right.

There are no restrictions placed upon the exercise of the right to enjoy the benefits of scientific progress and its applications. However, the use of scientific and technological innovations is regulated to ensure health and security, protection of the environment, protection of law and order, and generally where there could be damage to people and property. For example: there are safety regulations in every sector of industry; new drugs need to be tested and approved before being put on the market, the sale of hazardous products and the manipulation of dangerous substances are strictly regulated, and so is the use of nuclear energy; home appliances, objects destined for children are inspected for security; standards have been established by regulation for the design, construction and functioning of various kinds of radiation emitting devices; and there are regulations for the safety of motor vehicles. 193

Finally, the use of technological innovations is restricted by the application of the legislation that protects the moral and material interests of the authors of scientific products, as is explained in the following section. 194

C. Protection of moral and material interests of authors

(1) Principal laws, etc.

The principal laws that protect the moral and material interests resulting from scientific, literary or artistic production are: the Copyright Act, R.S.C. 1970, c. C-30; the Industrial Design Act, R.S.C. 1970, c. I-18; and the Patent Act, R.S.C. 1970, c. P-4. 195

(2) Measures aimed at the full implementation of intellectual property rights.

The Intellectual Property Directorate of the Department of Consumer and Corporate Affairs is responsible for the administration of these acts through its Patent Office and its Copyright and Industrial Design Office. 196

The primary role of the Patent Office is to secure the rights of inventors by granting patents for the protection of their inventions, under the authority of the Patent Act. Patents are granted for products, compositions, apparatuses and processes that are new, useful and inventive. A patent is granted only for the physical embodiment of an idea or for a process that produces something saleable or concrete. The inventor or owner of a patent has the right to exclude others from making, using or selling the invention in Canada for 17 years from the date of the granting of the patent. 197

The outward appearance of an industrially produced object, that is its shape, pattern or ornamentation, may be registered as an industrial design under the Industrial Design Act. Registration of an industrial design gives the 198

registered owner the right to use the design in Canada for five years. Registration may be renewed for an additional five year period.

199 Copyright exists immediately upon the creation of every original literary, artistic, dramatic or musical work. Copyright extends normally for the life of the author or creator and for 50 years thereafter. The Copyright Act expressly protects the rights of authors. Section 12(7) of the act provides that, "independently of the author's copyright, and even after the assignment, either wholly or partially, of the said copyright, the author has the right to claim authorship of the work, as well as the right to restrain any distortion, mutilation or other modification of the work that would be prejudicial to his honour or reputation".

200 The Bureau of Policy Coordination of the Department of Consumer and Corporate Affairs is responsible for the ongoing review of the intellectual property statutes to ensure that they keep pace with changing economic, cultural and technological conditions.

D. Steps taken for the conservation, the development and the diffusion of science and culture

201 The measures taken for the conservation, development and diffusion of science and culture have been outlined in sections A and B above.

E. Right to the freedom of scientific research and creative activity

202 The Government of Canada respects the freedom indispensable for scientific research and creative activity. This right is safeguarded by various legal provisions including: the provisions of the Canadian Charter of Rights and Freedoms dealing with freedom of opinion and expression, freedom of the press and other media of communication, and freedom of association; the corresponding provisions of the Canadian Bill of Rights; and the rules of law that generally protect the freedom and privacy of individuals.

203 With regard to the promotion of such a right, as explained earlier in this report, the Government provides assistance to individuals and groups for scientific research and creative activity. The bulk of that assistance is provided through agencies mandated for that purpose by legislation. The laws that created these agencies provided that they would be autonomous bodies, independent of government and reporting directly to Parliament from which they receive their funds. This guarantees a large degree of autonomy to the agencies and prevents undue interference with their granting activities, thus enhancing the freedom of those who receive such assistance.

204 The freedom of scientists, writers, creative workers, artists and other creative individuals to exchange information, views and experience is respected and supported by the Government of Canada.

205 Extensive support is provided by the Government to organizations such as learned societies, academies of science, professional associations and other organizations engaged in scientific research and creative activity. The bulk of this assistance is provided by the Canada Council, the Social Sciences and Humanities

Research Council, the Medical Research Council, the Natural Sciences and Engineering Research Council and the National Research Council. The Social Sciences and Humanities Research Council, in 1983-84, provided assistance to 60 learned societies and professional associations. Support was also provided to approximately 116 scholarly journals and over 180 conferences. The Canada Council provides support to a large variety of arts and culture organizations. The National Research Council is the Canadian adhering body to the International Council of Scientific Unions.

Other examples of support include: the support given to Native groups, women's organizations, ethnocultural organizations, community groups, official language minority groups and Canadian studies associations by the Department of the Secretary of State; the support given to consumer research and advocacy groups by the Department of Consumer and Corporate Affairs; the support given to voluntary social service organizations by the Department of Health and Welfare. 206

F. International co-operation

(1) Principal laws, etc.

The principal laws related to international co-operation in the scientific and cultural fields are: the Copyright Act, R.S.C. 1970, c. C-30; the Cultural Property Export and Import Act, S.C. 1974-75-76, c. 50; the Industrial Design Act, R.S.C. 1970, c. I-8; the International Development Research Centre Act, R.S.C. 1970, (1st supplement) c. 21; and the Patent Act, R.S.C. 1970, c. P-4. 207

(2) Information on measures taken for:

(a) the fullest utilization of the facilities afforded by the adherence to regional and international conventions, agreements and other instruments in the scientific and cultural fields.

As a member of the United Nations Organization and its specialized agencies, such as Unesco, and as a member of organizations such as the Commonwealth and the "Agence of coopération culturelle et technique", Canada co-operates extensively with the world community in the scientific and cultural fields. 208

Canada further co-operates with other nations through adherence to international conventions, bilateral agreements and other means of cultural and scientific exchanges. Examples of such co-operation are provided below. 209

Control of illicit import of cultural property

In 1978, Canada signed the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by Unesco in 1970. In 1975, Parliament had adopted the Cultural Property Export and Import Act, which came into force in 1977. The Act empowers the Government of Canada to enter into bilateral or multilateral cultural property agreements with other countries. When such agreements are signed, Canada then recognizes the cultural property export laws of reciprocating States to the extent that an action may be taken to recover foreign cultural property which was exported illegally and brought into Canada. 210

Protection of the rights of authors

211 Canada is a party to the international copyright conventions, that is the International Convention for the protection of literary and artistic works signed at Berne in 1886 (Berne Convention) and revised at Rome in 1928, and to the Universal Copyright Convention, signed at Geneva on September 6, 1952. Canada co-operates with the World Intellectual Property Organization, Unesco and the countries parties to the conventions in the protection of the rights of authors. In conformity with these conventions Canada extends intellectual property rights to citizens of foreign countries under the terms of the Copyright Act, which affords them intellectual property rights.

212 Canada is also a party to the International Convention for the Protection of Industrial Property (Paris Convention). In the implementation of this convention Canada co-operates with the World Intellectual Property Organization, and other nations, and it extends industrial property rights to citizens of other nations under the terms of the Industrial Design Act and the Patent Act.

Preservation of world heritage

213 In 1976, Canada became a party to the World Heritage Convention adopted by Unesco in 1972. Canada played a major role in drafting and helping to implement the Convention. Canada also served on the World Heritage Committee created under the Convention. As explained earlier, under section A.(2)(f), three Canadian sites have already been added to the Cultural World Heritage List.

Aid for international development

214 The International Development Research Centre is an autonomous public corporation established under the International Development Research Centre Act adopted by the Parliament of Canada in 1970. Its objectives are to initiate, encourage, support and conduct research into the problems of the developing regions of the world, and to apply and adapt scientific, technical and other knowledge to the economic and social advancement of developing regions. Guided by an international Board of Governors, the Centre funds research projects which are identified, conducted and managed by developing countries' researchers in their own countries. The Centre aims at assisting developing regions to build up the research capabilities, the innovative skills and the institutions required to solve their problems. There are four program divisions - health sciences, information sciences, social sciences, and agriculture, food and nutrition sciences. In addition, the Co-operative Programs Unit was established in 1980 in response to the need for greater access to research expressed by the developing countries at the U.N. Conference on Science and Technology for Development. This new program aims at promoting collaboration between research groups in the developing countries and their counterparts in Canada.

215 The Canadian International Development Agency aims at supporting the efforts of developing countries in fostering their economic growth and social development. The Agency provides a variety of financial and material assistance through multilateral and bilateral programs. Among other things, the Agency recruits Canadians to fill technical assistance positions in developing countries and facilitates the involvement of Canadian industry in international development projects. The Agency's assistance policy is one that takes into account the social dimension and cultural roots of development.

The International Centre for Ocean Development is a non-governmental organization established in 1983 in order to help developing countries obtain an optimal return from their recently expanded marine resources, with a major focus being the oceans as a source of food. The Centre will provide information, research, training and advisory services and will be a vehicle to ensure that developing countries receive a tangible return on the jurisdictional gains they made at the Third U.N. Conference on the Law of the Sea. 216

The Intellectual Property Directorate of the Department of Consumer and Corporate Affairs co-operates with other industrial and industrializing countries, under the auspices of the World Intellectual Property Organization, to help developing nations to establish intellectual property offices and to provide training in their administration. The Directorate makes patented technology accessible to developing countries by facilitating the exchange of documentation and statistical data and shares information on the development of computerized information storage and search systems. 217

Exchanges with other countries

Canada maintains lively cultural and scientific exchanges with many countries. Exchanges are facilitated by the consular personnel stationed abroad and by the services of the Department of External Affairs and the responsible departments and agencies. Cultural and scientific agreements have been concluded with a number of countries. Many Canadian scientific institutions have also signed memoranda of understanding with their counterparts in other countries. 218

(b) Participation in international activities by those involved in scientific research or creative activity.

Canadian scientists, writers, artists and others involved in scientific research or creative activity are entirely free to participate in international scientific and cultural activities. This freedom is enhanced by the fact that Canadians are free to leave Canada and return to Canada, a right which is guaranteed by the Constitution (Canadian Charter of Rights and Freedoms, section 6). 219

Furthermore, participation in such activities is promoted by the Government and financial assistance to cover the costs of travel associated with such activities is available. For example, the Natural Sciences and Engineering Research Council, the Medical Research Council and the Social Sciences and Humanities Research Council have programs to help defray the costs of international travel incurred by scientists for scientific research and collaboration purposes. Similarly, artists, writers, and others involved in cultural activities can receive financial assistance from the Department of External Affairs for their participation in international activities. 220

Finally, Canadian associations representing those involved in scientific or cultural activities are free to associate themselves with international associations and participate in international activities. 221

PART II: MEASURES ADOPTED BY THE PROVINCES

ALBERTA[1]

ARTICLES 13 AND 14: RIGHT TO EDUCATION AND PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

1. Legislation relevant to the right of everyone to primary education

222 The province has many acts relating to the various aspects of education. Institutions established pursuant to these acts have been financed by the provincial government to ensure access to high quality education for each individual member of society regardless of personal financial position.

223 Section 142(1) of the School Act (Appendix A-51)[2], provides for compulsory universal education to the age of 16 years, with provision for excusing the student under 7 years of age up to 15 years of age, if no suitable program is available. In addition, section 170 of the Act permits students governed by the Act (i.e., students between the ages of 6 and 21) to be involved in work experience programs during regular school hours, with the approval of the students' parents, the Minister of Education or person designated in writing by him, and the Employment Standards Branch of the Department of Labour.

224 Section 152(1) of the School Act provides that no tuition fees shall be charged by the board of trustees of a district for resident pupils. Non-resident pupils may be charged tuition fees which must not exceed the amount of the net average local cost per pupil of maintaining the program in which the pupil is enrolled (section 152(2)). Section 165(3) also permits the board to charge for transportation of pupils. Further, section 72(4) allows the board to sell, rent and distribute instructional materials and supplies to teachers and pupils.

2. Statutory provisions for specially designated groups

225 Legislation containing special provisions relating to specific groups (children of low income families, children of immigrants, children of other minority groups) has also been passed.

226 For instance, section 147 of the School Act gives the board of trustees of a district or division special powers to: lower the school entrance age of pupils; provide special education by operating special schools or classrooms or by making a grant and sending pupils to an organization or agency approved by the Minister; and arrange for, undertake or sponsor for its pupils, at its own cost or otherwise, educational, cultural or recreational trips inside or outside its district or division.

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1. Report prepared by the Government of Alberta.

2. The appendices mentioned in this section refer to documents sent to the Secretary-General of the United Nations with the report but not reproduced in the report.

Further, section 169(b) of the Act permits the board of trustees to enter into an agreement with the Government of Canada or any agency or person for the education of Indian children or the children of members of the Canadian Forces, or of other persons employed by the Government of Canada in a school or schools of the district or division, and receive consideration for that education. The Act also gives the board of trustees power to enter into an agreement with non-profit corporations to provide educational services to handicapped pupils (section 169(d)). 227

In addition to these provisions of the School Act, section 6(d) of the Department of Education Act (Appendix A-24), also permits the Minister of Education to make regulations for the establishment, operation, administration and management of schools, institutes or facilities for the education and training of persons with special educational needs. 228

To encourage the hiring of specialists for teaching the educable mentally retarded, trainable mentally retarded and severely learning disabled, boards may be given grants for the employment of required teachers according to a schedule of fees (Special Education, Part I of the School Grants Regulations under the Department of Education Act, Appendix B-I). 229

The Learning Disabilities Fund (Part VII of the School Grants Regulations under the Department of Education Act) provides grants to boards for accommodating people with perceptual and learning disorders. 230

Provisions of the Alberta School for the Deaf Regulations under the Department of Education Act (Appendix B-II) designate the Alberta School for the Deaf as a school for the education of persons with special educational needs. 231

The School Foundation Program Fund Regulations under the School Act (Part B, sections 7 and 8, Appendix B-III) set out the amount of grants that may be paid to the Board of Education of a county with respect to its modifying a school bus, or purchasing one to accommodate wheel chair passengers. Further, section 11(7) of these regulations provide reimbursement to the board for transportation cost of a passenger pupil as covered in a contract between parents and board. 232

Section 159(1) of the School Act gives the Board of Education the authority to allow the use of French or any other language as the language of instruction. 233

The Language Program and Learning Exchange Grants of the School Grants Regulations under the Department of Education Act establish guidelines for the payment of grants to a Board of Education that has a language program which provides instruction in a language other than English or French (Appendix B-I). 234

The Native Language Course Instruction Regulation under the School Act (Appendix B-V) ensures that qualified instructors will be employed to handle a course of instruction in a language being used in Alberta by people indigenous to Canada. 235

Provisions of the French Language Regulation under the School Act allow the use of French as the sole language of instruction for two years after a pupil commences a French language program (section 2(1) Appendix B-V). 236

The School Grants Regulations under the Department of Education Act (Part IX, Appendix B-I) have provisions respecting grants to operators of early childhood 237

services programs that accommodate handicapped children and children residing in a disadvantaged area. Further, section 35 of these Regulations entitles operators of early childhood services programs to grants due to their operating an approved language program other than English or French.

238 To ensure the quality of early childhood services programs section 6(1) of the Department of Education Act empowers the Minister of Education to prohibit any person from offering or providing an early childhood services program unless he is licensed to do so under the regulations (See also Early Childhood Services Teacher's Qualification Regulations, Appendix B-II).

239 The Department of Education Act gives the Minister of Education authority to make regulations respecting correspondence courses for elementary and high school students (section 6(1)). Section 5 of the Alberta Correspondence School Regulations adopted under the Act (Appendix B-II) enumerates groups of persons who may be admitted to the Alberta Correspondence School to include: persons who cannot attend a school operated by the board by reason of excessive distances between the person's residence and the school; persons who have a mental or physical handicap; persons who have emotional problems; persons who are expelled from school; persons who do not maintain a permanent residence; persons who wish to take a subject that is not offered, or in which they cannot be accommodated, by the school that they are attending; and persons who attend special supervised centres that are operated by the board.

240 Further, section 6(1) of the same regulations states that with approval of the Director of Alberta Correspondence School, courses will be provided without charge to the following persons: a person 65 years of age or older; a person who, by reason of a mental or physical handicap, is unable to receive normal classroom instruction; a person who needs to improve his education as a means of rehabilitation; a person who, by reason of illness, is unable to attend a school or can only attend a school for part of the time; an unmarried pregnant women who was pregnant at the time of the application for registration in the course or grade, and by reason of the pregnancy, is unable to attend school; a patient as defined in the Mental Health Act, 1972 who is confined to a facility as defined in the Act; an inmate as defined in the Corrections Act, 1976; a person who is an inmate as defined in the Penitentiary Act (Canada), or committed to a gaol or correctional facility operated by a government other than that of Alberta or Canada and who was, within 3 months prior to his incarceration, a resident of Alberta; a person who is the subject of an order made under section 87 of the Child Welfare Act; a person enrolling in courses or a grade that is at the elementary school level; a person who is authorized by the Minister to receive a course or grade without charge; a person 18 years of age and under who does not attend a school of a board and who lives in an area of Alberta that is not under the jurisdiction of a local board; a person to or in respect of whom a social allowance is payable under the Social Development Act or a dependent who is covered by that social allowance.

241 Section 6(1) of the Department of Education Act also empowers the Minister of Education to make regulations governing the registration and operation of private correspondence courses and private tutoring institutions that offer correspondence courses. The Private Correspondence Schools Regulations adopted under the Act (Appendix B-II) sets out conditions respecting the operation of private correspondence schools for the elementary, junior and senior high school

levels, the charging of students fees, and the reimbursement of fees to students as a result of a default on the part of the private correspondence school.

3. Legislation ensuring the right to secondary education

Basic secondary education in Alberta is free (section 152 of the School Act). Attendance at school is compulsory from six to sixteen years of age (School Act, subsection 142(1)), and may continue to age eighteen or longer at the discretion of the Board of Trustees (subsections 142(2) and (3)), unless excused for the reasons given in section 143 of the Act. No tuition fee is charged to a pupil for attendance at a school when the parent is a resident of that school district (subsection 152(1)). Transportation costs, fees for materials and supplies, may be charged to both resident and non-resident students (section 165(3), paragraph 72(4k)). 242

Section 6(1) of the Department of Education Act gives the Minister of Education authority to make regulations respecting the establishment, operation, administration and management of schools, institutions or facilities for the education and training of persons with special education needs. 243

As previously mentioned, section 6(1) of the Department of Education Act has empowered the Minister of Education to make regulations with respect to offering correspondence courses for elementary and high school students. The Alberta Correspondence School Regulations under the Act (Appendix B-II) sets fees to be paid for each full grade of junior high school (grades 7, 8 or 9) as $90.00 for resident students and $135.00 for non-residents. A special "Know Alberta" course (history, geography and study of governments), a "Safety" course and a "Personal Development" course are offered free of cnarge to junior high school students. 244

Most school jurisdictions in Alberta have secondary schools offering vocational programs. To encourage these programs, grants are made to schools that provide vocational programs for resident students as well as non-residents whose education is the responsibility of another board (cf. Vocational Education Regulations of School Grants Regulations under the Department of Education Act, Appendix B-I). As mentioned earlier, section 10 of School Grants Regulations under the Act encourages certain disadvantaged groups to register in vocational programs. 245

The Private Vocaticnal Schools Act (Appendix A-48) contains regulations respecting the licensing of the establishment, the operation and administration of private vocational schools. 246

Section 14 of the Manpower Development Act (Appendix A-40) sets out local advisory committees to advise the Alberta Apprenticeship and Certification Board on matters relating to apprenticing, training and certification in any trade, to review training programs and develop policies of accreditation where existing training programs in the education system (such as vocational secondary schools), armed forces or the occupational preparation systems can be shown to meet the skill and knowledge requirements of a specific apprenticeship program. 247

In addition, section 30 of the Act gives the Lieutenant Governor in Council the authority to make regulations respecting: procedures necessary for the administration of apprenticeship and trade training programs; the course of school 248

training, and/or upgrading course to be given apprentices; and the nature and number of instructional classes to be attended by apprentices.

249 In setting up this administrative system, the public and prospective students are ensured of a high calibre of training programs available generally to persons meeting the entrance requirements.

250 To further the availability of secondary education in its different forms, the Technical Institutes Act has empowered the Lieutenant Governor in Council to establish technical institutes that may provide courses or programs of instruction or training of a general nature and short courses or programs of instruction or training to meet the need of special interest groups (sections 2, 11(c), Appendix A-60).

4. Legislation ensuring the right to higher education

251 Section 7(1) of the Department of Advanced Education and Manpower Act (Appendix A-22) has empowered the Minister of the Department under this act to establish and operate or authorize the operation of any advanced education programs and services he considers necessary or desirable. Further, section 8 of the Act allows the Minister to provide for the co-ordination of programs and services amongst universities, public colleges, private colleges, technical institutes and provincially administered institutions, and boards of trustees of school districts or divisions, counties, cities or towns having a merged administration pursuant to the Municipal and School Administration Act and any other institutions relating to adult education and training.

252 Section 3 of the Universities Act (Appendix A-61) ensures the continuity of the two universities in Alberta, the University of Alberta and the University of Calgary. In this Act, the Lieutenant Governor in Council is given the authority to establish additional provincial universities (section 4(1)).

253 Section 2(1) of the Colleges Act (Appendix A-18) allows the Lieutenant Governor in Council to establish public colleges to offer courses of general academic, vocational, cultural or practical nature, and short courses or programs to meet the needs of special interest groups.

254 To further create institutions that offer a wide range of learning experience, including professional education and education in the fine arts and language, the Banff Centre Act (Appendix A-13) has been passed. Section 3 of the Act ensures the continuity of the Banff Centre for continuing education with the object of providing to the pupil the opportunity to access a broad range of learning experience with emphasis on the fine arts, management studies, language training and environmental training.

255 The Students Finance Act (Appendix A-56) permits appropriation of monies by the legislature for the purpose of assisting students by way of loans, grants, bursaries, prizes and scholarships. Under section 2 of the Act, the Students Finance Board has been created to administer all programs established by Order of the Lieutenant Governor in Council. Section 9 provides that to become eligible for financial assistance under this Act a person must be registered in a provincially operated institute, i.e., college, university, technical institution, a private college or other post-secondary educational institute designated by the Student's Finance Board.

To encourage credit institutions to give loans to students, section 3 of the Student's Loan Guarantee Act (Appendix A-57) guarantees the repayment of the principal and interests by the government. Section 11 of the Act permits the Lieutenant Governor in Council to make regulations, providing for the payment of fees, cost, expenses or disbursements, legal or otherwise, incurred by the credit institution in recovering loans guaranteed under the Act. 256

5. Administrative regulations ensuring the right to fundamental education

The School Grants Regulations under the Department of Education Act (section 9, Part II, Appendix B-I) encourage enrollment of persons who do not qualify for entry into a regular high school program, because of failure to achieve the necessary prerequisite course or grade, in upgrading programs in secondary schools designated by the district's board of education. Grants are paid to boards and private schools offering extension programs at the elementary, junior and senior high school levels (see Part III of the Regulations). 257

The Alberta Correspondence School Regulations under the Department of Education Act (Appendix B-II) have provisions respecting upgrading courses for the elementary grades up to the senior high school. Applications for persons who are expelled from school, the physically or mentally handicapped and the emotionally disturbed are accepted upon application by their respective boards (cf. Correspondence School Branch Fees of School Grants Regulations under the Department of Education Act, Appendix B-II). 258

6. Court decisions related to the right of everyone to education in its various aspects

The case of Bloedel v. The Board of Governors of the University of Calgary (Appendix D-1) is an example of a board of inquiry finding that the right of the complainant to be admitted to a special education program offered by the university for Native Indians was denied not on discriminatory grounds but because the source of funding fell under federal jurisdiction and was not under the jurisdiction of the Individual's Rights Protection Act. 259

The Regina vs. Wiebe case upheld the right of parents to religious freedom in schooling (Appendix D-2). 260

7. Legislation relevant to the development of a system of schools

A number of acts have been passed to promote school system development. For the elementary and secondary levels, the School Act (Appendix A-51), the Department of Education Act (Appendix A-24), the School Election Act, (Appendix A-53), the School Building Act (Appendix A-52), all contain provisions toward this end. For the post-secondary level, the Department of Advanced Education and Manpower Act (Appendix A-22), the Manpower Development Act (Appendix A-40), the Universities Act (Appendix A-61), the Colleges Act (Appendix A-18), the Banff Centre Act (Appendix A 13), the Technical Institutes Act (Appendix A-60) and the Private Vocational Schools Act (Appendix A-48) include provisions for the development of school systems at this level. 261

262 Various regulations under the Department of Education Act, the School Act and the School Election Act provide grants to boards for operating from kindergarten to grade 12 (Appendix B) and for capital expenditures.

8. Measures to develop a system of schools

263 New facilities have been constructed (see Appendix E, Figures 1 and 2). A detailed table summarizing building projects for which tenders and other schemes of construction were approved during the period April 1, 1980 to March 31, 1981 appears in Appendix E, Table VII.

264 Since 1935, the number of school districts has dropped from 3,492 to 1,421 and the number of classrooms has increased from 5,873 to 19,791 (cf. Appendix C-4). This indicates fewer but larger school districts.

265 The Alberta Department of Education has also provided portable classrooms to private Early Childhood Services operators (Alberta Education Annual Report, 1980-81, p. 29).

266 Rural schools with very small enrollment have been given special grants (Alberta Education Annual Report, 1980-81, p. 29).

267 Administrative requirements for claiming of grants such as Early Childhood Services grant, Education Opportunity Fund and Learning Disability Fund have been reduced to streamline the release of grants (Alberta Education Annual Report, 1980-81, p. 7).

9. Legislation designed to improve teachers' material conditions

268 The Employment Standards Act (Appendix A-26), the Teachers' Retirement Fund Act (Appendix A-58), the Teaching Professions Act (Appendix A-58), and the Universities Act (Appendix A-61), contain provisions that safeguard material conditions of teaching staff. These statutes cover items respecting working conditions, salaries, social security and retirement funds among other issues.

269 As of September 1982, 82 collective bargaining agreements covered teachers in Alberta. A large majority of these agreements were renegotiated after December 31, 1982. Items covered include working conditions, salaries, allowances, sick leave, group insurance and other benefit plans, professional improvement leave, substitute teachers and other matters pertaining to teachers' welfare (see Appendix F-4).

270 In addition, the Code of Ethics and Standard of Professional Conduct protects teachers (see Appendix F-5).

10. Measures related to social security and career possibilities

271 The Alberta Department of Education has undertaken measures related to improving teachers' working conditions, social security, career possibilities and continuing education for teaching staff. It has carried out teacher in-service training courses and corporate assessment studies (Alberta Education Annual Report, 1980-81). It assisted the Students Finance Board in the administration of Ukrainian language grants for the professional development of teachers. Also, it devised a bursary program to financially assist teachers to attend summer

school programs. Educational leave provisions were utilized to assist teachers to attend university on a full-time basis during the regular school year. Booklet guides for educational exchanges with U.S.A., Australia and the United Kingdom have been developed.

It has also developed a Self-Evaluation Handbook for Early Childhood Services teachers. With respect to teacher retirement benefits, it has co-ordinated departmental input to the revision of the Teachers' Retirement Fund Act by acting as a liaison with Legislative Council and Teachers' Retirement Fund Administration. 272

Concerning teacher participation in educational plans and curriculum preparation, teachers belong to many ad hoc committees on curriculum planning and development (cf. Appendix C-4). 273

Shortage of school board funds affect some teachers. The imposition of curriculum and program changes can present difficulties to teachers. In addition, the process of collective bargaining can affect the material conditions of teachers. 274

11. Legislation, administrative regulations and court decisions related to the right to choice of school

Section 143 of the School Act (Appendix A-51) allows parents to send their children to a private school. Furthermore, section 159 of this Act permits any language as the language of instruction. 275

Private Schools Regulation under the Department of Education Act (Appendix B-II) permits the establishment of a private school by a religious, or other organization. 276

As cited earlier, the Regina vs. Wiebe case is an example of a court decision which found that parents have the right to religious freedom in schooling (Appendix D-2). 277

12. Measures promoting the right to choice of school

The Language Services Branch of the Alberta Department of Education has processed $360,000 to assist school boards in the development of French language programs through the Special Projects allocation of the Federal-Provincial Agreement for Bilingualism in Education (see Alberta Education Annual Report, 1980-81, p. 27). 278

In addition to the now existing French Language Education, Ukrainian Language Education and Native Language Course Instruction programs, the Branch has recently added Spanish to the provincial program of studies. (See Native Language Course Instruction Regulations under the School Act, Appendix B-5.) It has also finalized arrangement with the Federal Republic of Germany to contract the services of a German language advisor (Alberta Education Annual Report, 1980-81, p. 27). 279

A difficulty affecting the degree of realization of the right to choice of school is the fact that private schools charge fees even though the parents pay taxes. Also, some private schools have entrance requirements such as religious affiliation (cf. Appendix C-4). 280

13. Legislation and administrative regulations relevant to the liberty to establish and direct educational institutions

281 Section 4 of the Private Schools Regulations under the Department of Education Act (Appendix B-II) permits the establishment of private schools by one or more persons or by any organization, religious or otherwise that is approved by the Minister of Education.

282 Section 4 of the Private Correspondence Schools Regulations under the Regulations to the Department of Education Act (Apppendix B-II) requires the registration of a private correspondence school with the Department of Education as long as it is registered in the Province of Alberta under provisions of the Companies Act (Appendix A-19).

283 The Private Vocational Schools Act (Appendix A-48) contains provisions regarding the licensing of persons maintaining or operating a school or providing correspondence courses for the purpose of giving instruction or training in a vocation (section 11).

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF INTERESTS OF AUTHORS

1. Legislation related to the right to enjoy the benefits of scientific progress

284 Legislation containing provisions promoting the right of everyone to enjoy the benefits of scientific progress and its applications has been passed.

285 For example, provisions in the Agricultural Societies Act (section 2, Appendix A-6) encourage the formation of agricultural societies that conduct meetings for lectures and demonstrations and for the discussion of subjects regarding the theory and practice related to agriculture, horticulture, homemaking and the quality of life in the agricultural community.

286 To improve the welfare and progress of urban and rural life in Alberta, section 4(d) of the Alberta Research Council Act (Appendix A-12) has empowered the Alberta Research Council to conduct basic and applied research in the natural sciences.

287 Section 7 of the Department of the Environment Act (Appendix A-25) empowers the Minister of the Environment to undertake any action that he considers necessary to promote the improvement of the environment for the benefit of the people of Alberta and future generations.

288 The Hydro and Electric Energy Act (Appendix A-36) has been passed to provide for the economic, orderly and efficient development and operation, in the public interest, of hydro energy in Alberta and in the generation, transmission and distribution of electric energy.

289 Likewise, the Oil and Gas Conservation Act (section 4, Appendix A-44) aims at providing for the economic, orderly and efficient development in the public interest of the oil, gas and crude bitumen resources of Alberta.

2. Legislation related to the conservation, development and diffusion of science

Section 1 of the Agrologists Act (Appendix A-7) defines practicing agrology as professional application of scientific principles and practices relating to agriculture. 290

The Alberta Agricultural Research Trust Act (Appendix A-8) established the Alberta Agricultural Research Trust, consisting of 12 trustees appointed by the Lieutenant Governor in Council. The objects of the trust are to obtain property of every nature, and to hold, use and administer it for the purpose of provincial expansion of applied and fundamental agricultural research. 291

The Alberta Environmental Research Trust Act (section 36, Appendix A-9) has created a Board of Trustees empowered to use and administer any property for provincial expansion of applied and fundamental research and development relative to environmental improvement. 292

The Agricultural Societies Act (section 2(c)) encourages the invention or improvement of agricultural machines or implements through prizes and other incentives given during exhibitions or competitions. 293

The Oil Sands Technology and Research Authority Act (Appendix A-45) has been passed to promote research into the technological methods required for the efficient and economic recovery and processing of crude bitumen and other oil sands production from oil sands deposits. This Act also encourages research with respect to the efficient and economic recovery and processing of crude oil through the use of enhanced recovery methods. 294

Many other acts provide for the conservation, development and diffusion of science. Such acts often deal with the appraisal of non renewable resources such as hydro, oil and gas, and land resources, and with the dissemination of information on these resources. Examples of such acts are: the Energy Resources Conservation Act (Appendix A-27); the Hydro and Electric Energy Act (Appendix A-36); the Oil and Gas Conservation Act (Appendix A-44); the Land Surface Conservation and Reclamation Act (Appendix A-38); the Coal Conservation Act (Appendix A-17); and the Department of Agriculture Act (Appendix A-23). 295

3. Measures to promote a healthy and pure environment and the diffusion of information on scientific progress

Information on the protection of the environment was provided in the report on Articles 10 to 12 of the Covenant. 296

The Alberta Research Council maintains information centres to meet the needs of the research staff and provide industry and the public with current information on topics ranging from coal technology to solar energy. These centres are (cf. Alberta Research Council Annual Report, 1981, pp. 31-32): the Oil Sands Information Centre, which collects and disseminates technical information on oil sands, heavy oil and enhanced oil recovery methods; the Coal Technology Information Centre, which assembles and maintains information on mining technology, coal beneficiation, coal conversion, combustion, environmental aspects and energy policy; the Information Systems Group, which makes the latest developments described in the world's scientific and technical literature available to 297

engineers, scientists and other interested people; and the SWERP Information Centre, which collects and disseminates information on solar and wind energy.

298 The Alberta Department of Agriculture has undertaken several major programs to disseminate information on scientific progress. For instance, it sponsored a home study program to disseminate comprehensive educational material to the agricultural industry, the farm operators and the rural population in general. This program offered courses such as farm home planning, pork production, cattle nutrition, and weed and pest control (see Appendix E - Table VIII).

299 The Department of Agriculture also provided administrative and program support to some 230 agricultural societies in the province to enhance community life in rural Alberta. Programs such as fairs, shows, displays and exhibitions were funded amounting to over $117,000 in operating, capital and fair grants (cf. Alberta Agriculture Annual Report 1979-80, p. 40; see also Appendix C-2).

4. Legislation relevant to the right to freedom of scientific research and creative activity

300 The Alberta Institute of Agrologists was constituted by the Agrologists Act to encourage agrologists to practice agrology in a professional capacity in the application of scientific principles and practices relating to agriculture in the areas of advising, demonstrating, teaching and research.

301 The Alberta Opportunity Fund Act (Appendix A-11) created the Alberta Opportunity Fund to provide loans or guarantees for capital and other services required in research and development directed toward increased productivity and improved technology.

302 The Minister of Energy and Natural Resources is given the authority to make payments from the Forest Development Research Trust Fund to finance research programs oriented toward improved forest management and timber production (section 2, Appendix A-32).

303 To encourage research into oil sands technology and related topics, the Alberta Oil Sands Technology and Research Authority has been authorized under section 20 of the Oil Sands Technology and Research Authority Act to: make grants for research projects; make loans to persons for research projects; fund research professorships, fellowships, scholarships or chairs relevant to the purposes of the Act at any university in Alberta; fund scientific meetings, exchanges of technical or scientific personnel and student training programs relevant to the purposes of the Act.

304 Section 5 of the Wilderness Areas, Ecological Reserves and Natural Areas Act (Appendix A-64) gives the Minister of Recreation and Parks the authority to carry out measures promoting environmental research that does not involve any physical disturbance of the wilderness area or ecological reserve.

5. Measures to guarantee the freedom of exchange of scientific, technical and cultural information among scientists and creative workers and individuals

305 The Research Management Division of the Alberta Department of the Environment has sponsored workshops and seminars on various research topics and ensured that

high quality reports from completed projects were published and widely distributed. Scientists belonging to this division attended several conferences or seminars and initiated and maintained contacts with other scientists to keep abreast of current developments in science and management (cf. Alberta Environment, Research Management Division Annual Review, 1980-81, p. 4).

Exchange of information regarding environmental matters among qualified experts from government, industry and academia has been ensured through public advisory committees that function as advisors, assistants and colleagues of the Environmental Council (cf. Environment Council of Alberta Annual Report, 1981, p. 38). 306

In 1981, the Environment Council of Alberta hosted the Sixth Annual Meeting of the Canadian Environmental Advisory Councils (cf. Environment Council of Alberta Annual Report, 1981, p. 43). This provided an occasion for the exchange of valuable information relevant to environmental issues. 307

The Alberta Research Council has emphasized in its Long Range Plan (1979) the need to have co-operation with universities. Along this emphasis, its activities will be expanded to include exchange of staff, participation of graduate students in research programs, joint seminars, visiting professors, shared facilities and projects, university staff on Research Council advisory committees, employment of university staff as consultants and research contracts with universities. 308

6. Legislation relevant to the right to take part in cultural life

Department of Culture Act (Appendix A-65)

The Act establishes the Department of Culture and empowers the Minister: to enter into agreements with the Government of Canada, the Government of a province of Canada, the government of a foreign jurisdiction, an agency of any of those governments, a municipal corporation in Alberta or any other person in matters concerning the cultural development of Alberta or historical resources in Alberta (section 7); to make grants to individuals or organizations and guarantee the repayment of sum borrowed by an individual for an activity or matter related to culture (section 8). 309

Alberta Historical Resources Act (Appendix A-66)

Under this Act, the Minister of Culture is responsible for the co-ordination of the orderly development, the preservation, the study and interpretation, and promotion of appreciation of Alberta's historic resources. 310

The Minister may (a) acquire by purchase, gift, bequest, devise, loan, lease or otherwise any historic object, building or historic site; (b) sell, lease, exchange or otherwise dispose of any historic object, building or historic site so acquired; (c) lend or lease any historic objects or any other objects acquired under the Act (sub-section 5(1)). 311

The Minister is empowered to exhibit and display the property acquired, classify, preserve, index and catalogue the historic resources and property; sell to the public prepared or acquired books, pamphlets, souvenirs, photographs, reproductions and similar items; and cause studies to be compiled and prepared; undertake support or sponsor educational or research programs; provide 312

assistance, advisory services and training programs to individuals, institutions, agencies and organizations.

Alberta Art Foundation Act (Appendix A-67)

313 The Act creates The Alberta Art Foundation to provide means to foster and promote the enjoyment of art by Alberta artists, collect, preserve and display their works and generally encourage artists resident in Alberta. On the recommendation and in accordance with the regulations, the Provincial Treasurer may guarantee on behalf of the Government the repayment, as to principal or interest or both of sums borrowed by artists resident in Alberta (section 4(2)). In furtherance of its objects the Foundation may acquire by purchase, gift, bequest, loan or otherwise, sell, lease, exchange or otherwise dispose of any work or art (section 5). The Provincial Treasurer shall pay to the Foundation each year a grant in the sum of $50,000 from the General Revenue Fund (section 6(1)).

Cultural Foundations Act (Appendix A-68)

314 The Act creates The Alberta Cultural Heritage Foundation and The Alberta Foundation for the Performing Arts (section 2).

315 The objects of The Alberta Heritage Foundation are: (1) to preserve the cultural wealth of our past including the language, art, music and sites of ethnocultural groups in Alberta; (2) to support and contribute to the development of an understanding of the ethnocultural background of Alberta; (3) to provide persons and organizations the opportunity to participate in the preservation and promotion of the culture of Alberta.

316 The objects of The Alberta Foundation for the Performing Arts are: (1) to promote the performing arts in Alberta; (2) to provide persons and organizations the opportunity to participate in the performing arts; (3) to support and contribute to the development of the performing arts.

Alberta Order of Excellence Act (Appendix A-69)

317 The Act establishes the Alberta Order of Excellence to accord recognition to those persons who have rendered service of the greatest distinction and of singular excellence for or on behalf of the residents of Alberta (section 2).

Alberta Heritage Day Act (Appendix A-70)

318 Under this Act, the first Monday in August each year is observed as Alberta Heritage Day to recognize and celebrate the cultural heritage of Alberta, to pay grateful tribute to the memory of the early inhabitants and later settlers who have contributed to the history of Alberta and for Albertans to rededicate themselves to the maintenance and furtherance of the cultural traditions of our Native and founding peoples.

7. Measures ensuring the right to take part in cultural life

A. Cultural development (cf. Alberta Culture Annual Report, 1980-81)

319 The Cultural Development Division of Alberta Culture stimulates the cultural life of Alberta by providing opportunities and resources in arts to individuals

and groups. Various educational, therapeutic, recreational, consultative, and financial programs provide incentive and assistance for continued development.

The Visual Arts Branch acts in part as a clearing house and resource centre for services available throughout the province as well as offering programs in the following areas: Consultative Services; Art Distribution; Art Education; Art Promotion; and Financial Assistance to individuals, organizations, art galleries, art study grants, participation or travel grants. 320

The performing Arts Branch encourages and assists in developing dance, drama and music. Some specific programs are listed below: 321

- Education programs are designed to provide increased opportunities for individuals and organizations to develop and improve skills and knowledge in the performing arts and include Consultation and Services, Development Program - Grants, Arts Study Grants.

- Touring programs provide assistance in presenting high quality performing arts to the widest possible public. To provide information, various services and publications are available, for example: Alberta Performing Arts Directory; An Inventory of Artists, Agents/Managers, and Presenting Organizations; Information on the Availability of National and International Artists; Information on facilities available throughout the province; Consultative Services/Workshops; Consultative Services for Performing Artists; Liaison Services between Artists and Community Presenters.

- Alberta Showcase - an annual conference of presenters, performing artists, agents and managers - provides an opportunity for performers to improve their skills.

- "Artists in Residence" provides a community with the services of an artist or artistic group for an extended period of time.

Financial assistance, special programs, grants, loans and similar support are offered to individual organizations for production, performance, workshops and clinics. 322

B. Cultural heritage (cf. Alberta Culture Annual Report, 1980-81)

The Cultural Heritage Branch provides programs to preserve and develop the heritage of ethnocultural groups. It assists community organizations and institutions to develop programs and services which reflect the cultural diversity of the province. The Branch serves as an information centre and the central registry for ethnocultural activities in the province. Specific programs are: 323

- Educational programs including workshops, leadership training programs in intercultural communications, selected community development projects, and consultative and advisory services to community institutions and agencies. Publications available as resource material are: An Approach to Public Relations, Funding and Services Directory, and An Approach to Fund Raising. Grants are also available to ethnocultural organizations in the publication of community newspapers and broadcasting.

- Financial assistance, which is available to registered language schools operated and administered by ethnocultural organizations with instruction classes held outside of the public and separate school systems.

- The Alberta Heritage Day, which is celebrated on the first Monday in August each year to recognize the diverse cultural heritage of Alberta. Financial assistance and planning information is made available to communities planning Heritage Day celebrations. Heritage magazine, a bi-monthly publication, features articles, photographs and poetry about Alberta's ethnocultural community.

- The Jubilee Auditoria, two identical facilities, one in Calgary and the other in Edmonton, which provide space and services for many cultural and commercial activities.

C. Historical resources (cf. Alberta Culture Annual Report 1980-81)

324 The Historical Resources Division of Alberta Culture co-ordinates both government and public efforts to preserve, study and interpret the evidence of Alberta's history: archeological material, documents, historic sites and records of natural and human history.

325 Many programs and services have been developed to save these irreplaceable historical riches and to stimulate awareness and appreciation of them. These include:

- The preservation and development of sites which commemorate significant historic events. Alberta has several provincially owned historic sites that are operated, maintained and secured for the enjoyment of the public.

- The administration and operation of the Ukrainian Cultural Heritage Village.

- The Provincial Archives, which is the repository for documentary materials relating to the history of Alberta and preserves manuscripts, diaries, government records, photographs, microfilms, maps and tape recordings. Indexed material is available to researchers.

- The Provincial Museum, which is dedicated to the preservation and interpretation of the human and natural history of the province.

- The Alberta Natural Resources Centre, which is a collection of displays describing and interpreting Alberta's natural resources. Six permanent pavilions and a changing feature pavilion outline the sciences and technologies employed to manage and process these resources.

- The Strathcona Archeological Centre, which is oriented to an introduction of Alberta's prehistory and the cultural resource management of a large prehistoric site.

- The establishment of the Tynnell Museum of Palaeontology near Drumheller, announced in the Spring of 1981. Work is progressing on the building and exhibits. This new institution will open in 1985 and display Alberta's dinosaurs and fossils.

- A comprehensive series of grant programs, which make funds available for the preservation of Alberta's historical resources.

D. Film and literary arts (cf. Alberta Culture Annual Report, 1980-81)

The Film and Literary Arts Branch provides programs and services to assist in the development of Alberta's writing talent. These include the effective training of writers in literary forms, the discovery and best use of commercial markets for the author's works, the growth of publishing services in Alberta, and the integration of writers as vital workers within society. Financial assistance and consultative service are available. Other programs include: 326

- A bi-monthly newsletter, the Alberta Authors Bulletin, and a helpful series of booklets such as how to submit a manuscript, poetry outlets, and manuscript rights. These are available free on request.

- Correspondence courses, open to a maximum of 100 students each year, which teach the principles of writing both fiction and non-fiction.

- The New Alberta Novelist Competition, held every two years, which is designed to foster new writing in fiction. The competition is open to all those writers who have not had a novel published before. It has been successful to a remarkable degree with some of its new authors achieving international publication and acclaim. Prizes vary from $500 to $4000. In addition, Writing for Youth, Alberta Non-Fiction Award, and Alberta Regional History Award competitions are held annually to encourage writers.

- Various workshops and seminars, initiated and made available to writers.

- Financial assistance, available to authors, editors, publishers and literary organizations.

E. Special programs (cf. Alberta Culture Annual Report 1980-81)

Six field service representations act as communication links between Alberta Culture and their respective regions. In addition, the Native Programs Co-ordinator acts as a link with Native groups and organizations. 327

The Alberta Achievement Awards Program is designed to honour individuals and groups who have brought honour to themselves, their communities, and to the Province of Alberta through extraordinary achievement of excellence in varied fields of endeavour covering a broad spectrum of activity. 328

As a result of the multilingual nature of our society and the ever-increasing influx of international business into Alberta, a quick, accurate translation service is provided to government departments and agencies. The majority of work is between French and English but translation facilities are available in Spanish, Italian, German, Ukrainian, Chinese, Japanese, Russian, and Hungarian. 329

The Agency of International Development aids Canada and other worldwide efforts to combat causes and symptoms of poverty and hunger throughout the world. The agency provides financial assistance for approved projects and grants are provided to supplement amounts of Alberta-raised funds. Projects have been supported in some 60 countries. 330

8. Protection of the moral and material interests of authors

331 Legislation for this section falls under federal jurisdiction respecting patents, royalties and copyright.

332 The Alberta Department of Education provides consulting services for copyright of educational materials (cf. Alberta Education Annual Report 1980-81, p. 13).

9. Encouragement and development of international contacts and cooperation in the scientific and cultural fields

333 The encouragement of international contacts and co-operation in the fields of science and culture is not specifically addressed in legislation. Respecting international agreements in the scientific and cultural field, various Alberta government agencies have signed a number of agreements with counterpart agencies in other countries such as Australia, United States, Argentina, China, Madagascar, India, Turkey and Peru. These agreements covered a wide range of areas including exchange of information or project development in computer technology, telecommunications, agricultural research, oil technology, recreation and cultural developmment (cf. Appendix C-8).

BRITISH COLUMBIA*

ARTICLE 13: RIGHT TO EDUCATION

A. Legislation

The major pieces of legislation relevant to the right of everyone to education in British Columbia are: the School Act, R.S.B.C. 1979; the College and Institute Act, R.S.B.C. 1979; the University Act, R.S.B.C. 1979. 334

Statutes which include references to the right to education are: the Institute of Technology Act, R.S.B.C. 1979; the School Support (Independent) Act, R.S.B.C. 1979; the Apprenticeship Act R.S.B.C. 1979. There are also several pieces of legislation specific to professional or trade organizations which include educational rights and requirements. 335

About half of the collective agreements of unions include clauses outlining educational leave provisions. 336

B. Measures taken to promote the full realization of the rights of everyone to education with a view to achieving: the full development of the human personality and the sense of its dignity; the strengthening of respect for human rights and fundamental freedoms; the development of human rights and fundamental freedoms; the development of human rights teaching; the effective participation of all persons in a free society; the promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups; and the furtherance of the activities of the United Nations for the maintenance of peace.

The "full development of the human personality and sense of dignity" is provided in the education system through a broad and comprehensive curriculum. Provisions in British Columbia legislation are outlined below. 337

The development of human rights teaching was promoted through a grant to aid in developing a school curriculum for multiracial understanding, and through the development of a series of 12 exercises and a teacher's guide to be used at the intermediate level in primary schools. These exercises deal with various human rights issues such as the treatment of new immigrants and discrimination in employment. A recent addition to the curriculum has been a four part series on major religions of the world, in order to combat racial prejudice. 338

The B.C. Council of Human Rights is developing an information and education program to promote the principles of human rights and counter identified problems of discrimination. 339

The Ministry of the Provincial Secretary also provides effort in this regard through the office of the Cultural Heritage Advisor who provides aid to immigrants and established multicultural groups through a newsletter, special publications and grants. 340

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* Report prepared by the Government of British Columbia.

C. Right to a primary education

341 (1) Primary education is provided to all children over the age of five. There are also kindergartens provided in every community, serving 95% of all five year olds in the province.

342 The Ministry of Education is the major agency through which the British Columbia government enacts education policies. Specific responsibilities (under section 155 of the School Act) rest with locally-elected Boards of School Trustees of the district in which the child is resident.

343 In an attempt to assure the availability of education to all children regardless of ability, handicap, etc., the Ministry of Education has established a Division of Special Education which develops, implements, maintains, coordinates and assesses the delivery of educational programs to exceptional children. These programs include: Learning Assistance Programs; Programs for Severely Learning Disabled; Programs for Mildly, Moderately, Severely and Profoundly Mentally Handicapped; Hospital Programs; Programs for Homebound; Programs for Physically Handicapped; Programs for the the Visually Impaired; Programs for the Autistic; Programs for Severe Behaviour Problems; Rehabilitation Programs; English as a Second Language Programs; Enrichment and Gifted Education and Native Indian Education.

344 For the physically and mentally handicapped the aim is to educate them in public schools in their home community. When this is not possible, and when it is in the best interest of the child, institutional environments are provided for care and education. The Ministry of Education assists in the development of programs and curricula; it provides consultation to school districts, parents, agencies and professionals; it also provides professional development for teachers and leadership and opportunities for research in the education of mentally and physically handicapped students.

345 Special rights and problems of Native Indian children are addressed by the provincial Director of Indian Education in a number of policies, procedures and guidelines. These recognize that Native children have not always met their potential and experience a high drop-out rate. They also have special needs for having their culture and languages recognized and taught in the school system. Programs in these areas have been developed in consultation with the Native population and incorporating Native paraprofessionals and teacher aides into the school system.

346 These educational opportunities are provided for exceptional children notwithstanding socioeconomic status, cultural or racial origins, physical, intellectual or emotional capabilities, or geographical location.

347 (2) Over 99% of children in the province attend school at the primary level.

348 (3) Instruction, books, other materials and transportation where required are all free.

349 (4) The only problem we have experienced is in providing education to children who live in very isolated places. For these we pay for a tutor under section 19 of the School Act and an extensive program of correspondence education is available.

D. Right to a secondary education

(1) Secondary education is also administered by the Ministry of Education and is available to all young people up to the age of 19. Special programs for exceptional students, as outlined in the previous section, are also available to those of secondary school age. 350

(2) Technical and vocational education is made available by the Ministry of Education through a system of career programs. These cover the areas of industrial education, business education, home economics, graphic communication, agriculture, work-study experience, metric conversion and career preparation programs. In the year 1980/81 a total of 108 programs were available in 59 schools, with 2,763 students participating. 351

(3) Secondary education is free in British Columbia. 352

E. Right to higher education

(1) All adults may enter any kind of post-secondary institution they are academically or technically qualified to enter. There has been a growing tendency to allow "mature" adults, say in their mid-twenties or older, to enter without prerequisites. 353

(2) Student Financial Aid is a fund administered jointly by the federal and provincial governments to provide assistance up to $4,000 per year available to students at the post-secondary levels. There are no plans to make post-secondary education free of charge. 354

A new "institution" in the province is the Open Learning Institute which allows students to enrol in courses and study at home using TV lessons to assist. This is especially useful to those in remote areas or otherwise without easy access to a post-secondary educational institution. The Institute can grant degrees. 355

(3) While geographic distances in this province may have presented difficulty for some in accessing higher education in the past, the Open Learning Institute will help to overcome this problem. There are few other problems in providing higher education. 356

F. Right to fundamental education

(1) The Ministry of Education's Division of Continuing Education works with community colleges and school districts to initiate, support and improve the quality of adult basic education and English language training. 357

Recent curriculum developments resulted in the publication of ESL for Adults - A Curriculum Guide outlining curriculum for English as a second language (primarily for immigrants), as well as Adult Basic Literacy Kit and An Abridged Bibliography to Accompany ABL: Curriculum and Resource Guide, two teaching aids for adult basic literacy teaching. 358

(2) Since continuing education is delivered through the school districts and community colleges, there are no particular problems with geographical distances or remote areas. The Open Learning Institute described above is also a significant help for residents in remote areas. 359

360 (3) Breakdowns of statistics for student registrations in continuing education programs (1980/81) are as follows:

	School Districts	Colleges and Institutes
General Education	49.0%	45.7%
Vocational	15.0%	34.0%
Community Education	23.5%	10.9%
English for New Canadians	5.0%	6.8%
Academic Upgrading	2.1%	2.3%
High School Completion	5.4%	0.3%
Total number of registrants	178,548	225,223

G. Development of school systems

361 (1) The School Act, the College and Institute Act and the University Act promote the development of schools at all levels.

362 (2) The province pays from 50% to 90% of the costs of all schools and 100% of the costs of post-secondary institutes.

363 The system of schools is administered at the provincial level by the Ministry of Education and at the local level by locally-elected school boards.

364 Funding for schools expenditures is provided jointly by the provincial government and the school districts. For the 1981-82 school year this funding (excluding universities) was provided 62.62% by the province and 37.38% by the local school districts. Capital expense proposals are processed by the government to provide borrowing authority to school districts for the acquisition of capital assets.

365 The Schools Facilities Branch assists school boards by providing consultation on site acquisition, building standards, safety and fire protection improvements and other matters.

366 The Ministry of Education develops curriculum and produces educational materials. The Publication Service Branch purchases, inventories and distributes textbooks to the schools free of charge. Audio visual material is produced and/or distributed by the Provincial Educational Media Centre.

367 (3) In every area where there are eight children a primary school must be built. Every part of the province is served by a community college. There are three universities. In total there are 1,635 schools in the province and 21 post-secondary institutions.

368 (4) Difficulties in establishing schools include the changing demographic structure of the school age population. The post-war baby boom put a large demand on the school system in the 1950s and 1960s, resulting in many new schools being built at that time. These facilities are now used at less than capacity, with local school boards attempting to determine how best to use them. The Ministry of Education has developed a computer system to control space use, and it will be used to maximize utilization of current facilities.

H. Establishment of adequate fellowship systems

(1) The only specific statutory reference to fellowships is in the School Act, section 21, which refers to scholarships, bursaries and loans. 369

As primary and secondary education are free, there is no need for a fellowship system at these levels. For post-secondary students, the province provides scholarships to those with a demonstrated need, and makes available student loans. 370

(2) There is currently no discrimination against entry into the school system at the primary and secondary levels. At the post-secondary level there may be restrictions to do with academic qualification and availability of resources. Section C(1) of this report outlines special programs available to exceptional students. 371

(3) There are no particular difficulties involved with fellowship systems. 372

I. Improvement of the material condition of teaching staff

(1) The principal law in this area is the School Act. There are also collective agreements between teachers and school boards specifying salary rates. Sections 119 to 153 of the School Act refer specifically to the status and working conditions of teachers. Included in these sections is an outline of the collective bargaining rights of teachers. Teachers are specifically excluded from the Labour Code of British Columbia which is the main piece of labour legislation in the province. The B.C. Teachers Federation, which is the bargaining agent for teachers in the province, has the right to bargain in respect to salaries and bonuses. 373

(2) Working conditions and social benefits are not negotiable items under section 134 of the School Act. In many cases, however, such conditions have been established in agreements between the B.C. Teachers Federation and individual school boards. The legislation regarding bargaining rights is currently under review by the British Columbia Ministry of Education. Current legislation includes reference to the appointment and assignment of teachers, training of teachers, dismissal and appeal process for dismissal and provision for leave of absence. For teachers in private schools wages and working conditions are determined individually between the teacher and the employer. 374

(3) There is participation from teachers in the development of curriculum. A large number of educators sit on curriculum committees and many teachers and district school administrators are invited to sit on advisory committees to react to draft curricula at various stages of development. Teachers are often given paid leave of absence to carry out this function. 375

(4) The material condition of teachers is relatively high and is restricted only by the financial resources of the school boards and of the government. 376

J. Right to choice of school

(1) Schools other than public schools are available in the province and are provided for in the School Support (Independent) Act. This piece of legislation outlines the basic educational standards which must be maintained and a financial grant system provided by the provincial government. 377

378 (2) The right of parents to educate their children outside the public school system, according to their own religious or moral convictions, is provided for by the availability of private, independent schools as outlined in J(1).

379 (3) Education is available, according to certain minimum numbers, in both official languages of Canada (English and French). For other language groups, i.e., Russian, Japanese, Dutch, instruction is provided when there are sufficient numbers of pupils in that group. For Native Indian children teaching of Native language is a large part of the special Indian curriculum (as outlined in section C(1) of this report).

380 (4) There are difficulties in providing education in the Native language due to the large number of different language groups in the province, both immigrants and Natives. For example, in the Kitimat school district in the North West of the province, there are children from 54 different language groups in one single elementary school. Even among the Native Indian population there are many different and distinct languages. For this reason, minimum numbers need to be established for language education, with the main emphasis on the English, French and Native Indian languages.

K. Liberty to establish and direct educational institutions

381 (1) and (2) A restriction in establishing educational institutions, as outlined in section 5 of the School Support (Independent) Act is that no program may be established which promotes or fosters doctrines of racial or ethnic superiority, religious intolerance or persecution, or social change through violent action. This is the only restriction in establishing and directing educational institutions and there is in fact a large variety of types and varieties of teaching methods and philosophies, both within the public school system and among the independent schools.

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

382 Section 113 of the School Act indicates that, barring factors of illness, geographical distance, or alternate and acceptable modes of education, attendance at a public school is compulsory for all children over the age of seven years and under the age of fifteen years. Public education is free. There are no significant difficulties in promoting this principle other than those of practicality, as outlined in the report on Article 13.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A.(1) Right to take part in cultural life

383 The principal laws relating to cultural life are the Heritage Conservation Act, the Provincial Museum Act, and the Library Act, all R.S.B.C. 1979.

384 A major law related to heritage conservation in British Columbia is the Heritage Conservation Act, the basic purpose of which is to "encourage and facilitate the protection and conservation of heritage property in the province". The legislation includes powers for acquisition of property, undertaking research,

establishing exhibits and publications, accepting donations, providing loans, grants, and other forms of financial and technical advice.

The Provincial Museum Act charges the Provincial Museum with securing and preserving cultural objects, and with making the objects, and knowledge about them, available to the public. 385

The Provincial Archives has the statutory responsibility to preserve historical government records and collect manuscripts, visual records, film and sound recordings, from the public relating to the history of British Columbia. Within the limitations of its budgetary appropriations, it attempts to help all to benefit from its various collections through conservation, development of the historical dimensions of "culture" and diffusion. Except for donor restrictions in some private papers, the holdings of the Archives are open to the public. 386

The Library Act establishes a system of library boards and free library service to all residents. 387

(2)(a) Availability of funds

The principal funds available for use at the community level for heritage projects are from the British Columbia Heritage Trust Fund, a Crown Corporation administered by a Board of Directors and supported annually with an allocation from the Lottery Fund of the province. The British Columbia Cultural Fund, also augmented by lottery proceeds, makes operating and project grants to some 150 local museums, galleries and archives in the province which secure, preserve and exhibit objects of cultural significance, conforming where resources allow with internationally accepted codes of standards in these endeavours. 388

(2)(b) Institutional infrastructure and implementation of programs to promote popular participation

The heritage conservation program supports, by way of operating or assisting in operating, a number of heritage properties in the province. In total, over 40 properties are either owned directly by the provincial Crown and operated as heritage sites open to the public or are held in reserve for future use. 389

An informal network of assistance and consultation joins most museums in the province through the British Columbia Museums Association, with the Provincial Museum the major consultant in many areas of museum endeavour. 390

The Provincial Archives maintains a public art gallery and both it and the Provincial Museum publish extensively from their holdings. 391

The Cultural Services program of the provincial government assists some 75 community arts councils in developing local cultural activities, and provides direct support through consultative services and operating grants to a wide range of professional performing arts organizations, and assists in sponsoring tours of major performing groups in the province, especially to schools. 392

(2)(c) and (d) Promoting cultural identity

The Ministry of the Provincial Secretary, through the programs of the Provincial Museum, Provincial Archives, Heritage Conservation Branch, and Cultural 393

Services Branch, actively promotes the preservation of the cultural heritage of all individuals and groups, of whatever ethnic origin. The Provincial Museum directs special attention to the culture of the indigenous population in its acquisitions, exhibits, and demonstrations, including in the latter the continuous employment of Native totem pole carvers.

394 A Cultural Heritage Advisor, attached to the Ministry, acts as liaison with numerous ethnic organizations in the province, and through that office grants are made to umbrella organizations such as the Affiliation of Multicultural Societies of B.C., and to community activities such as annual folkfests.

(2)(e) Mass media

395 Several branches of the Ministry of the Provincial Secretary publish newsletters, brochures and other publications promoting participation in cultural life. The ministry also uses the press, radio and television to advertise its programs and to present public service announcements in the areas of culture and heritage.

(2)(f) Preservation and presentation of cultural heritage

396 Under the authority of the Heritage Conservation Act, all North American Indian sites are deemed to be protected and any form of site alteration must be on the authority of the Minister through a permit system. Likewise, the Minister has the authority to designate for protection purposes, any other site deemed to be of provincial heritage significance. The Minister is assisted in this review through the Provincial Heritage Advisory Board.

397 Actual presentation arrangements may be directly on site or may be in the form of museum displays at provincial and/or local locations. Proper conservation techniques are followed in such projects.

398 The Provincial Museum and local British Columbia museums conform to standards practiced worldwide in the areas of preserving and presenting cultural heritage in their care.

399 The preservation policy of the Provincial Archives involves the accessioning, cataloguing and safe storage of collections, close supervision of the use of all collections by researchers, security of the archives building, and a conservation laboratory to advise on the physical preservation of manuscripts, government records, books, pamphlets, maps, photographs, paintings, drawings and prints, sound recordings, videotape and microfilm and to undertake the physical repair of them.

(2)(g) Legislation protecting the freedom of artistic creation and performance

400 We do not have such specific legislation at the provincial level; certainly there are no provincial laws which impede this freedom.

(2)(h) Information on professional education in culture and the arts

401 Scholarships are available through the B.C. Cultural Fund for professional studies in the arts. The various universities and other post-secondary

institutions in the province which provide professional education in the field of culture and art maintain publicity and recruitment drives for students.

(2)(i) Other measures

Some significant measures have been taken for the conservation of heritage sites and objects in this province. For example, Anthony Island, as an intact remnant of Haida settlement, has been named to the World Heritage List. Likewise, the province has worked in cooperation with the Dominion of Canada on several other heritage conservation projects of considerable importance. These include the preservation of that part of the Klondike Gold Rush Trail in British Columbia, the preservation of Fort St. James, and currently work is underway on plans for protecting and interpreting the historic Mackenzie Grease Trail. 402

It should also be noted that the provincial conservation measures in recent years have assisted municipal heritage conservation programs. At the same time that the enabling legislation was enacted, a funds program of grants-in-aid for community projects was included in the initial provisions of the British Columbia Heritage Trust. 403

British Columbia has one of the largest numbers of trained and practicing conservators of cultural materials, relative to population size, among comparable political units of North America. The University of British Columbia instituted the first degree-granting program in archival science in Canada in 1981. 404

(3) Factors involved and difficulties encountered

The major difficulties encountered are sufficient physical and human resources to cope with the volume of heritage material which could be preserved. Perhaps the most worrisome problem is the preservation of large commercial buildings of architectural and historical merit which are no longer economically viable for commercial or industrial purposes. 405

B. Right to enjoy the benefits of scientific progress and its applications

(1) In British Columbia the principal law relevant to the promotion of the right to enjoy the benefits of scientific progress and its applications is the Science Council Act, R.S.B.C. 1979. 406

(2) With respect to measures taken since 1976 to promote a healthy environment and establish an institutional infrastructure for the purpose of ensuring that everyone can benefit from scientific progress, the Ministry of Universities, Science and Communications has established a science policy as a priority objective of the Government of British Columbia. That policy provides opportunities both physical and academic for science to flourish and for high technology industry to develop within the province. The establishment of the Science Council of British Columbia and its Research Secretariat, the Discovery Foundation and its wholly owned subsidiary Discovery Parks, and the establishment of core research funding provided through B.C. Research to support areas of provincial economic interest, are all part of the ministry's strategy to create a science system which reflects this science policy. 407

(3) With respect to promoting the diffusion of information on scientific progress, this is done in a variety of ways. The Science Council of British 408

Columbia reports periodically on its research awards program and annually on its activities pertaining to the promotion of scientific research and technological development within the province. Similarly, B.C. Research provides an annual report of its activities and specific reports on major research projects of provincial interest. University research activities are reported in a variety of ways and publications are available through university libraries. The Ministry of Universities, Science and Communications annually holds a public science fair (Discovery Fair) during which representatives from industry and academia are invited to present information concerning recent scientific activities and development. The ministry also publishes a quarterly science magazine (B.C. Discovery) which provides current information on major research and development activity and innovative industrial development activity within the province.

409 (4) Measures taken to restrict harmful use of scientific and technological progress are more generally established by the federal government as a national policy. There are some provincial policies which also restrict the use of scientific and technological progress where it may be contrary to the enjoyment of human rights and where other policies may be jeopardized. Examples include policies relating to the fishing industry, environmental management and control, and other facets of our lifestyle. For example, the provincial government has taken strong exception to the use of nuclear power generated systems for energy and industrial purposes. Therefore, limited research and development work with respect to nuclear fission or fusion is undertaken within the province.

410 (5) There are a number of regulations which are established to protect certain rights at the expense of others. For example, in order to protect the opportunity of British Columbians to enjoy the products of our fishing industry, regulations concerning the personal freedom attached to sport fishing have been applied to the number and type of fish that may be caught. In this respect a balance has been maintained through legislation in order to protect both rights. There are many other examples with respect to the environment (pollution control) with respect to the work situation (Workers' Compensation Board health and safety regulations) and so on.

C. Protection of moral and material interests of authors

411 Proprietary rights for those undertaking scientific research and development activity are protected in a number of ways. For example, the Science Council of B.C.'s patent policy (under the Science Council Act, section 4(2)), encourages British Columbia firms to patent the results of their research and development activity. However, if such firms decide not to patent the results of this activity, the Science Council can choose to do so itself in order that the province may benefit from the results of this activity which is in fact paid for by the province. With respect to university patent policy, research and development activity undertaken within universities may be patentable under the Universities Patent Policies and Programs. Since the university, to a large extent, funds this research it maintains the right to receive benefit from the exploitation of that R & D activity. There are of course federal patent policies as well.

412 While there are various patent laws and proprietary rights established in law and by convention, there are of course difficulties with respect to some areas of research development activity and technology which elude these provisions. For example, it is difficult to patent computer applications software when it is quite easy to replicate a disk or computer tape for further distribution and

use. The way in which software producers have compensated for this is to charge sufficiently for the original product in order to offset the loss of future benefits which might have resulted from the further sale of that product.

Protection for authors in literary and artistic fields is provided by copyright legislation in the federal jurisdiction. 413

D. Steps taken for the conservation, the development and the diffusion of science and culture

(1) Laws relating to the constitutional matters are not within the British Columbia jurisdiction. 414

(2) Within the Province of British Columbia a number of vehicles are used to develop and diffuse the results of scientific research and technological development as noted earlier (refer to B, (2) and (3)). In addition, the Science Council of B.C. and the Ministry of Universities, Science and Communications have been supportive to the Arts, Science and Technology Centre and its objectives to promote an interchange of ideas and provide further experience with respect to science and the arts. Other general means which have been taken to promote conservation, development and diffusion of science include the development of library systems and scientific data bases, new forms of communications between the producers, disseminators and users of information (the Knowledge Network and the Open Learning Institute) and a variety of other undertakings (talk shows, seminars and conferences, interprovincial meetings and discussions, federal/provincial meetings and discussions). The question of conservation of culture is addressed in this report in the answers to 15A. 415

E. Right to the freedom of scientific research and creative activity

(1) through (3) Within existing federal and provincial legislation concerning the basic freedoms of everyone, scientific research and creative activity is encouraged. In addition, the Ministry of Universities, Science and Communications has taken a number of initiatives to promote this activity and to allow others to enjoy the results of this activity. Many of these mechanisms have been referred to earlier. As well, the Science Council of B.C. in conjunction with the Discovery Foundation have established an Innovation Office which has been formed to assist inventors and innovators in developing their ideas and concepts into viable commercial products, and to promote technology transfer from the laboratory to industry. The exchange of information concerning scientific, technical and related information is accomplished through several means, including seminars and conferences which were held throughout the year and sponsored either through the ministry and its related organizations, or through other institutions (universities, colleges, vocational schools, industry, etc.). 416

(4) In order to support learned societies, professional associations and other organizations and institutions, the Science Council of B.C. provides grants to assist in funding research projects. The Ministry of Universities, Science and Communications has taken the initiative to arrange conferences on specific matters of provincial concern (i.e., compressed natural gas as a vehicle fuel). Where specific concerns are raised by industry (i.e., the use of computer assisted design in manufacturing technology) the Ministry of Industry and Small Business joins with the Ministry of Universities, Science and Communications to provide assistance. 417

PRINCE EDWARD ISLAND*

418 This report deals with the laws and provisions of Prince Edward Island which are relevant to Articles 13-15 of the Covenant. Generally, there is no discord found between legislation passed and the Covenant.

419 In 1975, the P.E.I. Government passed the Human Rights Act which guaranteed freedom from discrimination based on race, religion, creed, colour, sex, marital status, ethnic or national origin or political belief. In 1980, the Act was amended to include age and physical disability. The Act takes precedence over all other P.E.I. statutes.

ARTICLE 13: RIGHT TO EDUCATION

A. Principal laws, administrative regulations and collective agreements.

420 The principal laws are: the Human Rights Act, S.P.E.I. 1975, Cap. 72, amended in 1980; the School Act, R.S.P.E.I. 1974, Cap. S-2, amended in 1980; An Act to Establish Holland College - A College of Applied Arts and Technology, R.S.P.E.I. 1974, Cap. H-8; An Act to Establish the Maritime Provinces Higher Education Commission, R.S.P.E.I. 1974, Cap. M-2; An Act to Establish the University of Prince Edward Island, R.S.P.E.I. 1974, Cap. U-4; the Trade Schools Act, R.S.P.E.I. 1974, Cap. T-6; the Teachers' Superannuation Act, R.S.P.E.I. 1974, Cap. T-1.1; and the Labour Act, R.S.P.E.I. 1974, Cap. L-1.

421 The administrative regulations are: the School Act Regulations; the Teachers' Superannuation Act Regulations; the Trade School Act Regulations; and the Order-In-Council 591/64 (Student Loans).

422 The collective agreements are: the Memorandum of Agreement Between Province of Prince Edward Island and the Prince Edward Island Teachers' Federation, September 1, 1981 - June 30, 1983; the Memorandum of Agreement Between Holland College and the Prince Edward Island Public Service Association 1982-1984; the Memorandum of Agreement Between Board of Governors of U.P.E.I. and the Faculty Association of U.P.E.I.; and the Agreement on Procedures for Determining Salaries and Fringe Benefits Between Board of Governors of U.P.E.I. and the Faculty Association of U.P.E.I.

B. Measures taken to promote the full realization of the right of everyone to education with a view to achieving: the full development of the human personality and the sense of its dignity; the strengthening of respect for human rights and fundamental freedoms; the development of human rights teaching; the effective participation of all persons in a free society; the promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups; the furtherance of the activities of the United Nations for the maintenance of peace.

423 The measures suggested above are reflected in the social studies curriculum of primary and secondary schools. The philosophy, as set down by the Department of Education in the Teachers' Curriculum Guide, states that Social Studies/Social

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* Report submitted by the Government of Prince Edward Island.

Sciences should enable pupils to appreciate and tolerate other cultures and ethnic groups thus fostering tolerance and reducing prejudices. This in turn should lead to a better understanding of self and others and to an awareness of the rights and responsibilities of each individual.

The general objectives of these courses are: to continue the development of understanding and acceptance of other people in all aspects of their lives ... geographical, historical, economic, social, political and cultural; to encourage attitudes of concern, tolerance and responsibility in relation to others; to develop an understanding of the rights and responsibilities of a citizen in a democratic society; to recognize contributions made by various ethnic groups in the development of our nation and world. 424

In elementary and junior high schools the social studies courses are compulsory. In senior high schools they are not compulsory, although most school boards require one or more social science courses in order to graduate. 425

At the post-secondary level there are no courses nor written regulations which solely expound these goals. However, many professors on the U.P.E.I. Arts Faculty teach with these goals as an underlying theme. 426

C. Right to primary education

The Prince Edward Island Government adheres to the idea of compulsory and free primary education as outlined in Article 13 of the Covenant. The Human Rights Act and the School Act guarantee this right to everyone. 427

The Human Rights Act guarantees the right to education as it prohibits discrimination against any individual or class of individuals with respect to enjoyment of accommodation, services and facilities to which members of the public have access. "Facilities" has been defined to include educational facilities thus guaranteeing no discrimination in the accessibility to education. This protection applies at all levels of education. 428

The School Act, section 47(1), guarantees free school privileges, including free educational instruction and necessary transportation, for every child from six to twenty years of age inclusive, who has not graduated from high school and is a resident of that regional administrative unit in which he is to attend school. 429

The Act provides for compulsory attendance at school for all children over the age of seven and under the age of sixteen years. Compulsory education is strongly enforced under the Act which states that the parent of a child who is required to attend school shall cause the child to do so, and that the parent of a child who neglects or refuses to cause the child to attend school is guilty of an offence (section 49). 430

Special education

The Department of Education has established a special education program is for exceptional students who have physical, mental, behavioral or sensory characteristics that differ enough from those of the majority of children that they require special education and/or related services in order to develop to their maximum capacity. This group of children includes those with communication 431

disorders, auditory or visual impairment, physical or learning disabilities, mental retardation, multiple handicaps, high intelligence or unique talents.

432 The main objective of this program is to keep these exceptional students in a regular classroom and to have them follow a regular program, if possible. However, if the students cannot cope with this educational setting, alternatives are available. The Provincial Government pays the cost of sending these children to special schools. The following are alternatives to the regular classroom setting.

Auditory handicapped

433 The Prince Edward Island School for the Hearing Impaired, in Charlottetown, provides an auditory-oral program for hearing impaired children. The school has a staff of five teachers including an educational audiologist. In addition to full-time classroom services, there is a parent guidance service for pre-schoolers. Itinerant services are also provided for hearing-impaired pupils who are either fully or partially integrated into the regular school system.

Visually handicapped

434 Services for the visually handicapped in Atlantic Canada are governed by the Atlantic Special Education Authority. There is one residential setting, located in Halifax, Nova Scotia. Prince Edward Island has the services of a consultant who works out of the school and supervises the work of the two full-time itinerant teachers who work with both school-age and pre-school-age students. Children who need a residential setting are sent to Nova Scotia with expenses paid by the Government of Prince Edward Island.

Physically handicapped

435 Prince Edward Island has one facility for physically handicapped pupils who may need a protected setting. This is a non-graded class where pupils may progress at their own rate through an individualized program.

Socially/emotionally handicapped

436 An educational program is provided for pupils who have to attend Hillsborough Hospital for treatment of emotional/behavioral problems. A non-graded class is located on the hospital grounds, the teacher of which is also a member of the hospital treatment team. The Department of Education also administers a tutoring program for home-bound, hospital-bound or sick children.

Language training for immigrant children

437 An English language tutorial program is provided to assist immigrant children who have little or no knowledge of English when they enter the school system.

D. Right to secondary education

438 Through the School Act, secondary education is free and compulsory in the same manner as primary education, as explained above.

Special secondary education

On Prince Edward Island there are four main centres which provide technical and vocational secondary education although training is available in smaller centres as well. These centres, which are under the auspices of Holland College, endeavour to provide diversity and flexibility in the educational program to meet individual and community needs. 439

In 1978-79, a new project was undertaken whereby senior high school students could, if they wished, spend half of each day taking vocational courses, and the other half, academic courses. It has proved very successful. 440

The vocational schools serve students from across the Province. In conjunction with Holland College, they provide free transportation to students outside their particular administrative unit, either directly or by paying the student's transportation costs. 441

E. Right to higher education

Entrance into a higher educational institution on Prince Edward Island, on the basis of capacity, is equally accessible to all. Any applicant who meets the academic requirements of the University of P.E.I. or of Holland College has an equal right to attend these higher educational institutions. 442

The Act to Establish the University of Prince Edward Island states that "no academically qualified person, ... student or prospective student at the university, (can be excluded) from the university or treated prejudicially because of circumstances of race, creed, sex, colour, nationality, political persuasion, religious commitments, or the absence of religious commitment." (Section 4(2)) 443

Financial aid to students in higher education is made available by means of: the Canada Student Loan Program; the P.E.I. Government Bursary Program; and the U.P.E.I. Loan Fund. 444

Canada Student Loan Program

This program was introduced and is financed by the federal government to assist students who would otherwise be unable to pursue full-time, post-secondary studies. Students applying for loans must show sufficient need. 445

P.E.I. Government Bursary Program

In 1969, this financial assistance program was established by the provincial government to supplement the assistance provided under the federal government's loan program. The maximum bursary available is $1700. During 1981, the Student Aid Section processed and evaluated 1,359 applications for assistance, 1,294 of which received aid. 446

U.P.E.I. Loan Fund

This fund was created to make small loans available to students in times of extreme need. The loans are for a maximum of $100 and must be repaid within 60 days. 447

448 Despite these steps to provide financial assistance to higher education, there have been no measures directed at the progressive introduction of free higher education.

Types and number of institutions

449 The province has one university and one college of applied arts and technology. The University of Prince Edward Island, in accordance with its charter, offers undergraduate programs of study under the faculties of arts, science and education. The primary purpose of Holland College is to provide training for students seeking employment at semi-professional levels in business, applied arts and technology. The College is responsible for the operation of the vocational high school program, the vocational trade program, and adult night classes, as well as the School for Visual Arts and the Marine and Fisheries Training Centre.

Financing

450 The Maritime Provinces Higher Education Commission was formed in 1975 to co-ordinate the development and financing of post-secondary education in the three participating provinces - Nova Scotia, New Brunswick, and Prince Edward Island. The Commission recommends a financial plan for funding the institutions in each province. Upon approval by the legislature, grants are provided to meet capital and operating costs. Tuition and residence fees account for the balance of the revenue. Real property owned by post-secondary institutions is exempt from taxation provided that it is used for the purposes of learning and education.

F. Right to fundamental education

451 Three major programs in this area are: adult night classes; literacy instruction; and Canada manpower training programs.

1. Adult night classes

452 These classes were initiated in 1966 by the Province to facilitate the academic upgrading of interested persons. Holland College instructs approximately 640 participants per year in basic Mathematics, English, Science and History up to and including grade 12. These classes are held in 12 to 15 centres throughout the Island.

453 In 1974, the classes expanded to include English as a second language for newly arrived immigrants, a French conversational course, Basic Typing, Business English and Business Communications.

454 Many program graduates have continued to universities, colleges of applied technology or trade schools. The program has been highly utilized by women entering the labour market as well as by many of the Native Indian population from Lennox Island located in the western end of the Province.

455 From 1971 to 1978, this program was co-funded by the federal and provincial governments. In 1978, the full financial responsibility was shifted to the provincial government. The cost for the program now exceeds $100,000 per year.

2. Literacy instruction

This service is provided through the P.E.I. Literacy Council and is aimed at teaching basic reading and writing skills to adults. The Council is a voluntary organization which works with approximately 50 people per year on a one-to-one ratio. It is given a small amount of funding from the provincial government for books and it is located in three centres on the Island. 456

3. Canada manpower training programs

Under section 92 of the Constitution Act, 1867, the provinces have the responsibility of education, but, to help fund programs relating to the labour market, the federal government, through the Employment and Immigration Commission, provides an annual budget to the provincial Department of Labour. The Employment and Immigration Commission contacts the Department of Labour with regard to training for candidates in certain occupations which are in demand on the labour market. The Department of Labour then organizes the course by buying the training from Holland College. If such training is not available, the Department of Labour is responsible for searching out training programs elsewhere. These programs supply living allowances for their participants which range from $43 to $100 per week. Travel allowances are also available for those living in rural areas. The following three main programs are available. 457

The Basic Training for Skills Development Program brings participants up to the grade 10 level necessary to qualify for other training programs. Classes are located in five centres across the Island and run for a maximum of 52 weeks. Any further training necessary after this must be obtained on the individual's own initiative, or through the provincial educational system. 458

Pre-employment courses are offered to people wishing to enter trades such as construction, mechanics and farming. They help people qualify for the Apprenticeship Program. 459

The Apprenticeship Program combines on the job training with classroom instruction. Students must already be in a trade and have a job in that trade. This plan encompasses many trades and can continue for up to four years through various levels of certification. At completion the apprentice is issued a "Certificate of Qualification". Those completing Interprovincial Trades have a Red Seal affixed to their certificate which enables them to work throughout Canada. On the average, 500 apprentices participate each year. In recent years, the number of program dropouts has increased. Some of this is attributed to the difficulty of apprentices accumulating work experience. As of 1981, the total number of certificates issued through the program was 2,232. The total number of Red Seals was 750. 460

The pre-employment courses and the Apprenticeship Program require that the participants have at least grade 10 standing, be past compulsory school age, and have not attended school for the previous 12 months. 461

No serious difficulties seem to block rural or disadvantaged groups from participation in these programs. Travel allowances are made for those who must travel inter- and/or intra-provincially. Apprentices are also on the job and therefore not without income during their training period. 462

G. Development of a system of schools

School unit organization

463 In 1972, there was a reorganization of the elementary-secondary school system in the province so that five regional administrative units were created to replace the then existing rural school districts, city and town boards, and regional high school districts. Each unit has a school board composed of 15 elected trustees.

464 For the most part, schools can be grouped into three categories: elementary (grades 1-6), junior high/intermediate (grades 7-9), and senior high (grades 10-12). In accordance with the School Act all schools are nonsectarian and no legislative provision has been made for a separate or dual school system.

465 The five school units are given considerable autonomy. Unit five is the smallest of these units and is the only French majority speaking unit on the Island. It serves approximately 500 students and was formed specifically to attend to the needs of the French Acadian population.

Financing

466 The Minister of Education has established a provincial foundation program to provide a basic uniform standard of education for grades 1 to 12 through a system of financial grants. Complete funding from the general revenue of the province is provided for professional instructional staff, non-instructional staff, curriculum and program materials, school buildings, and a transportation system. Monies borrowed by regional school boards for the financing of capital projects are guaranteed by the government.

467 The School Act provides that school boards may offer programs that are not included in the provincial foundation program. Such programs must be financed through an additional local levy within that particular administrative unit. The Act also provides for public approval by the ratepayers before any such additional levy may be imposed.

Private schools

468 Presently, two private schools operate outside the public school system. No legislation exists for these institutions and therefore they come under the general discretion of the Minister in accordance with section 5(f) of the School Act which states that "The Minister ... may provide for the education of those persons in such institutions as he deems advisable."

469 By departmental policy, approval can be obtained if: the teachers are certified; the curriculum is approved by the department; all other statutory regulations held for public schools are met (e.g., fire-standards); the province can conduct student testing; and the number of enrolled students is reported.

470 The Department of Education provides the textbooks for use in these schools.

H. Establishment of an adequate fellowship system

471 The Department of Education provides grants to students to assist those who could not otherwise afford a post-secondary education. As established by

Orders in Council, this is done in co-operation with the federal student loan program.

The average bursary has increased slightly over the years in an attempt to keep pace with rising costs. In 1981, the average bursary was $767 compared to $636 in 1975. However, one of the difficulties encountered in this program is that the need outweighs the allotted resources. With rising tuition cost and tight summer employment, many students find it increasingly difficult to finance their post-secondary education. 472

The University Act establishes that its institution will provide degrees below the Master's level only. Prince Edward Island students must therefore attend universities outside the province - usually in the Maritimes - to pursue post-baccalaureate studies. To ensure that these students obtain a portion of the seats in these programs, P.E.I. contributes money to these institutions. Such contributions have increased from $435,611 in 1975 to $2,497,400 in 1982. 473

I. Improvement of the material conditions of the teaching staff

The rights and duties relating to Island teachers are well outlined in each of the agreements together with the acts concerned. Each of the agreements specifies such areas as sick leave, maternity leave, salaries, etc. 474

The public school teachers are governed by the School Act and regulations, the Memorandum of Agreement between the Province of P.E.I. and the P.E.I. Teacher's Federation and the Teachers' Superannuation Act, which deals basically with pension regulation. The Memorandum is concerned with areas such as duties, salaries, special leaves and includes section 39 which disallows discrimination and intimidation. The School Act, sections 37-43, outlines teacher's duties, remuneration during illness and the procedure to be followed for grievances against dismissal. The School Act regulations specify bargaining and arbitration rules in case of disagreement. Division G, page 23, specifies that an award of a board of arbitration is binding upon the parties to the negotiations. Arbitration is the only option open to teachers. They have no right to strike as they are excluded from the general right to strike under the Labour Act, section 7(2)). 475

Holland College teachers are under the direction of the Public Service Association (P.S.A.). Their agreement includes measures for salaries, sabbatical leave, etc., as well as a non-discrimination clause under Article 5. According to the P.S.A. Agreement, Article 35, grievances regarding the agreement can be settled by binding arbitration. However, since Holland College is not excluded from the Labour Act, their teaching staff does possess the right to strike as an alternative to arbitration. 476

U.P.E.I. faculties have an agreement which regulates the various areas of employment. The University Act, section 4, deals with the prohibition of discrimination in all areas, be it concerned with faculty or students. The Agreement on Procedures, Part II, clause 6, specifies that, if there is disagreement during negotiations, the parties will be bound by the decision of the selection officer. 477

Teachers in private schools are under private contract with the school. They do not come under any legislation besides that which would control private employment practices. 478

479 All teachers have some input as to their curriculum, be it provincial public schools, university programs or vocational courses. This is not regulated by specific agreement or legislation but is usually part of policy and is accomplished by means of an election of faculty to a curriculum committee.

480 No national curriculum exists as each province has jurisdiction over education in their province.

J. Right to choice of school

481 Students attending private institutions are, by ministerial discretion, exempted from compulsory attendance at public schools. This discretion has been regarded as merely perfunctory. Since it is the parent who shoulders the financial responsibility, it is considered the parent's choice.

Religious/moral education

482 The two existing private schools each present a certain moral or religious doctrine. Children who attend these schools do so at their parents' choice. Public schools are non-sectarian.

Native language

483 The right of all English and French speaking children to an education in their mother tongue is guaranteed by the School Act, R.S.P.E.I. 1974, as amended in 1980, Cap. 48, section 50(2).

484 In administrative units, where teaching is given in a majority language, children belonging to the minority language group have the right to instruction in their own mother tongue if there are 25 or more children requesting such instruction. If a number falls below 25, the school board may use its discretion to provide the education sought. This can be accomplished by implementing the requested program in their own unit or transporting the students to units where the program is available. The regulations provide for the boarding of students where transportation is not available or feasible.

485 At present no laws or regulations have been tabled regarding education in the language of the native MicMac Indians.

K. Liberty to establish and direct educational institutions

486 P.E.I. has no laws or regulations which specifically address the freedom to establish and direct educational institutions outside the public school system. However, since education is the responsibility of the provincial government, no school can be established without permission. The School Act, section 5(f), allows that a school may exist if it operates under the Minister's discretion.

487 There are no provisions which allow these institutions to exist without interference.

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

488 Compulsory primary education, free of charge for all, has been achieved in Prince Edward Island.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTEREST OF AUTHORS

The relevant acts are: the Fathers of Confederation Building Act, R.S.P.E.I. 1974, Cap. F-5; and the Prince Edward Island Heritage Foundation Act, R.S.P.E.I. 1974, Cap. H-8. 489

A. Right to take part in cultural affairs

1. At present, there is no written policy on culture by the provincial government. Cultural aspects are directed by the Department of Community Affairs which also makes grants available to other organizations. Decisions are based on an unwritten policy which encourages Island tradition and culture as a whole and not as individual entities. 490

2. The Department of Community Affairs contributes annually to various institutions such as the provincial Heritage Foundation, the Confederation Centre of the Arts and the Council of the Arts. Funding for smaller groups is done through annual applications for assistance. 491

The Heritage Foundation is concerned with the preservation of Island handiwork and furniture and it attempts to acquire and retain these pieces on the Island. It funds some local festivals and administers the Island museums. 492

The Confederation Centre of the Arts hosts musical and theatrical presentations as well as the public art gallery, library and public archives. Although this national theatre receives contributions from the federal and other provincial governments as well as private donors, 60% of the theatre's funds are provided by the provincial government. 493

The Council of the Arts is a promotional agency which seeks to encourage participation by the public in all facets of art, be it fine arts, the performing arts, folk arts or crafts. The Council has a grants program under which individuals and organizations may apply for financial help in creative or artistic matters. 494

Some Community Affairs grants have gone to Art for Senior Citizens, Island Community Theatre, Comité Acadien, Provincial Art Bank and Festival/Special Events. Although the Department contributes to these groups as well as the Confederation Centre, the Heritage Foundation and the Council of the Arts, these groups and agencies are for the most part autonomous and the Department does not dictate guidelines for them. 495

To encourage private initiative, the Department often supports a special event (e.g., traditional folk music festival) which is usually very simple. It is hoped this simplicity will encourage local groups to take greater responsibility for such events. 496

No facility for professional education in the arts has yet been developed. 497

Legislation has not dealt specifically with artistic freedom or its limitations. 498

499 Most cultural exchange is done on a regional basis either because of similar and therefore shared traditions, or as active interprovincial exchanges. Any exchange on an international basis is governed by the federal government through the Department of External Affairs.

500 Some foreign exchanges have taken place involving Island farmers and youth groups. These exchanges facilitated an exchange of ideas and information. They were funded privately or federally, but some of the organization was done by provincial departments.

B. Right to enjoy the benefits of scientific progress and its applications

501 Some research is done through the departments of Agriculture and Fisheries or organizations such as the Institute of Man and Resources. Funding for this research is provided by the federal government.

502 The provincial university does not have graduate programs and therefore few research grants are made available.

MANITOBA*

Introduction

Manitoba is one of Canada's "prairie provinces". It comprises a total area of 650,087 square kilometres, which represents 6.5% of the total area of Canada. The province of Manitoba has 1,026,241 people, 4.22% of Canada's population. Approximately 55% of the population is located in Winnipeg, the province's largest urban centre. This is in contrast to the sparsely populated northern half of the province. 503

ARTICLE 13: RIGHT TO EDUCATION

As of July 1, 1978, the two provincial departments of education and continuing education were combined to form the Department of Education. The Department of Education is responsible, directly or indirectly, for elementary, secondary, and post-secondary education in Manitoba. 504

Elementary-secondary education spans 12 years. It is organized into a six-year elementary segment, and three years each of junior and senior high school. 505

Three community colleges (Red River, Assiniboine, and Keewatin) offer post-secondary career programs and vocational courses at the trades level. 506

The province has three universities (Manitoba, Winnipeg, and Brandon). The University of Manitoba is the largest of the post-secondary institutions. In addition, four colleges grant degrees to students training for church ministry. 507

In 1981-82, Manitoba had a total of 253,534 students. The total provincial expenditure on education amounted to $568,951,500. This represented 20.1% of the total budget in Manitoba. 508

A. Principal laws, etc.

The premier document which governs education in the Province of Manitoba is The Public Schools Act, S.M. 1980, c. 33, Cap. P250. In addition, the Act provides authority for the issuance of certain regulations which enhance the provisions of the Act. 509

B. Measures taken to promote the full realization of the rights of everyone to education with a view to achieving:

(1) The full development of the human personality and the sense of its dignity.

A social studies curriculum, in effect from kindergarten to grade 12, has the following broad objectives: to develop within students a feeling of acceptance, self-confidence, and a recognition of the dignity and worth of the individual; to encourage students to understand and accept the responsibility they have for shaping and directing their lives; and to encourage students to judge the importance of their role and purpose in groups and in society. 510

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* Report prepared by the Government of Manitoba.

(2) Respect for human rights and fundamental freedoms.

511 The major measure has been the establishment of a program whereby presentations on human rights issues can be provided to schools and other institutions upon request. The Manitoba Human Rights Commission has a responsibility to administer such programs under Section 13 of The Human Rights Act, which states that it is the function of the Commission: to forward the principle that every person is free and equal in dignity and rights without regard to race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, political beliefs, family status or source of income; to promote an understanding of, acceptance of and compliance with the Act; to develop and conduct educational programs designed to eliminate discriminatory practices related to the above mentioned factors; to disseminate knowledge and promote understanding of the civil and legal rights of residents of the province and to conduct educational programs in that respect; and to further the principle of equality of opportunities and equality in the exercise of civil and legal rights regardless of status.

(3) The development of human rights teaching.

512 Human rights teaching has been furthered by the recent establishment by the provincial Human Rights Commission of a position of human rights education officer.

(4) Effective participation of all in a free society.

513 Currently, this goal is being promoted by the Manitoba Human Rights Commission through various activities, such as in-school programs.

(5) The promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.

514 The new Kindergarten to Grade 12 Social Studies curriculum is designed to attain the following goals: to develop in students an appreciation of positive attitudes towards the diverse cultures to be found in the local, national, and international social environments; to encourage students to exhibit concern for the well-being and dignity of others; to develop an understanding of social relationships by recognizing the interdependence of all people; to develop positive ways of dealing with prejudice, discrimination and stereotyping; and to develop an understanding and empathy for social and cultural groups different from one's own.

515 Various activities have been proposed or implemented in the pursuit of such goals. These include: the staging of in-school Folklorama Days; the promotion of international clubs in schools; the promotion of debating teams from different schools on topics related to ethnicity and prejudice; weekend ethnic leadership camps; and home visit exchanges between members from different communities, provinces, and countries.

(6) The furtherance of the activities of the United Nations for the maintenance of peace.

516 The Province of Manitoba attempts to further the activities of the United Nations, mainly through funding. As examples, the Province of Manitoba has

provided the following support: a) $1,600 to the Canadian Bureau for International Education; b) $1,500 to the World University of Canada; c) $15,000 to the Lester B. Pearson College of the Pacific; and d) $3,300 to the United Nations Association.

C. Right to primary education

(1) Measures taken for the realization of the right to primary education, including special provisions relating to specific groups.

Section 259 of The Public Schools Act states that any person who has attained the age of 6 years at the beginning of the school year, or will reach the age of 6 years within 12 weeks after that time, or within 12 weeks after any date fixed by the school board for admission, has the right to receive a free primary public education. In addition, Section 75 states that no school board shall charge tuition fees for resident pupils. 517

Clause 258(1)(b) of the Act defines compulsory school age in Manitoba as over 7 years of age and under 16 years of age. 518

The following are some of the measures which help to ensure primary education to specific groups. 519

The Department of Education supplies a consultant for Women's Studies. 520

Under The Public Schools Act, Subsection 43(1), and Manitoba Regulation 166/81, transportation is provided for those students who would have more than one mile to walk in order to reach school, and who do not reside in a city, town, or village. Handicapped pupils are transported under every circumstance. 521

A small schools program makes additional funding available to small rural schools. 522

The Department of Education has a Child Development and Support Services Branch which provides services to students with handicaps and learning disabilities. 523

In 1981, the Department of Education spent $25,521,000 on Special Education programs. In addition, $2,034,800 was spent on programs for the Manitoba School for the Deaf, and $1,568,900 was expended on various other handicapped support programs. 524

The Department of Education supplies a consultant for Immigration and English as a second language. In 1981, $1,192,100 was spent on programs in support for children of immigrants. 525

A variety of language programs are operating in Manitoba schools. As of 1981-82, 8,200 students were enrolled in German programs, 2,300 students were taking Ukrainian programs, 3,500 students were enrolled in French as a first language, and 5,900 pupils were taking French immersion programs. In addition, there are language programs in Hebrew, Icelandic, and Latin. 526

The Department of Education has a Native Education Branch consisting of 12 people with responsibility for program development to meet the special needs of Native children. 527

528 A travel program is being developed by the Department of Education to allow students to travel throughout the province and gain exposure to a variety of cultural experiences. Support for multicultural programs amounted to $500,000 in 1981-82.

(2) Percentage of children covered by primary education.

529 According to federal government data (Education in Canada, A Statistical Review for 1980-81, Table 26), all of the 6 year old children in Manitoba are enrolled in the primary grades. Of 7 to 14 year old children, full attendance was reported in the primary grades.

(3) Extent to which primary education is free.

530 Primary education is free to all resident pupils in the province of appropriate age throughout the public school system.

(4) Factors and difficulties.

531 As all children have access to free primary education within the public school system, this right has been realized.

D. Right to secondary education

(1) Availability and accessibility of secondary education.

532 Under The Public Schools Act, Section 259, a Manitoba resident has the right to attend school to 3 years beyond the age of majority, that is, up to 21 years of age. Financial assistance is available for students who need it. Information on this assistance is provided below under section H "Establishment of an adequate fellowship system".

(2) Availability of technical and vocational secondary education.

533 Technical and vocational secondary education is encouraged under two sections of Manitoba Regulation 166/81: section 27, which states that a school division is eligible to receive certain support in respect of vocational programs, such as salaries, fringe benefits, and supplies directly related to technical or vocational programs; and section 47, which states that a school division is eligible to receive support in respect of vocational equipment. In addition, the Department of Education has vocational-education consultants to assist school divisions with the delivery of technical/vocational programs. Assistance is provided in the areas of curriculum development and implementation, as well as in servicing.

534 In 1981, measures aimed at increasing accessibility included the processing of $3,225,000 in vocational grants, and the establishment of 17 technical/vocational programs. Improved access to these programs is illustrated by the fact that 30% of the 63,000 secondary school students are currently enrolled in technical/vocational courses, as compared to 15% ten years ago.

(3) Progressive introduction of free secondary education.

535 Subsection 1(13) of The Public Schools Act states that any person in a particular school division or school district whose parents or legal guardian with whom

he resides is a resident therein, or who has attained the age of 18 years and is a Canadian citizen or landed immigrant resident therein, or who by reason of being dealt with under any provision of the Child Welfare Act becomes a resident therein, or who is designated in writing by the Minister as a resident therein, is entitled to free secondary public education within the school division of which he/she is a resident, for up to 3 years beyond the age of majority. In addition, Section 75 states that no school board shall charge tuition fees for such resident pupils.

(4) Factors and difficulties.

Several factors are evident in the area of providing secondary education. 536
Firstly, there is the historical issue of the need for farm labour in Manitoba, which kept many children at home and out of the secondary classrooms. This problem has been alleviated with the mechanization of agriculture. Secondly, there is the issue of disadvantaged groups participating fully in secondary education. However, the introduction of secondary bursaries and social assistance has helped to resolve this issue. Thirdly, there exists the matter of providing suitable programming for children with various learning difficulties. These children have been accommodated by: the School for the Deaf; arrangements with the School for the Blind in Brantford, Ontario; the provision of special learning materials; and, provincial support for programming in the child's own school. Fourthly, there is the issue of vocational education, which has been dealt with by a variety of programs. Fifthly, the issue of providing secondary education to rural and northern students has been resolved by the introduction of more rural programs, more correspondence courses, and improved transportation and communication networks.

It is the general view that these and most other issues in the field of second- 537
ary education have been resolved to the extent currently possible. This is evident by the fact that the retention rate between grade 2 and grade 12 is currently 74%, compared to 11% in 1950. In addition, 86.9% of the eligible secondary Manitoba residents are currently enrolled in Manitoba schools (according to Education in Canada, Statistical Review, 1981, Table 2.5). These statistics indicate that the right to the opportunity to pursue secondary education has been realized.

E. Right to higher education

(1) Accessibility of higher education.

The Department of Education has a Community Colleges Division which is responsi- 538
ble for the coordination of post-secondary programs in trades and technologies, applied arts and business, health sciences, and basic education. In 1981, $34,039,100 was spent by the Community Colleges Division.

Promoting growth and development of Manitoba's universities is the responsibil- 539
ity of the Universities Grants Commission. In 1981, this commission expended $133,592,300 on the three provincial universities.

In addition, the Department of Education has a Post-Secondary Career Development 540
Branch. The responsibility of this branch is to extend the opportunities of post-secondary education and training to those who would otherwise be rejected by post-secondary institutions in their normal operations. Support to these

disadvantaged students comes in the form of academic support, social support, and financial support. Progress in this area is evident by the success of major programs, such as the Brandon General Hospital School of Nursing Mature Student Program, the University of Manitoba Access Program, and teacher training programs. In 1981-82, $851,800 was spent on 11 such programs, serving the needs of 375 students.

541 Finally, the universities in Manitoba offer special programs to make higher education more accessible. For example, the three universities offer a Mature Students Program, whereby those students who do not qualify for regular student admission have the opportunity to obtain regular student status. This program is geared towards students 21 years of age or over. In addition, these institutions offer University of tne North college courses for students living in remote and isolated areas of the north. A variety of other off-campus courses are also provided.

(2) Financial assistance for students in higher education.

542 Financial assistance is available for students attending post-secondary institutions. Information on this assistance is provided below under section H "Establishment of an adequate fellowship system".

(3) Factors and difficulties.

543 Greater equality of access to post-secondary education by removing social and economic barriers is seen as the major objective of student aid programs. Existing financial aid programs have assisted many lower income students, and students from rural areas. These students, however, continue to be underrepresented in post-secondary institutions. One program designed to alleviate this problem is the University of Manitoba's Winnipeg Centre Project, by which persons from Winnipeg's core area who lack the normal educational pre-requisites for the professions of teaching and social work are enabled to train for those professions.

F. Right to fundamental education

(1) Measures taken for the fundamental education of persons who have not completed their primary education.

544 The following are some of the organizations and their activities undertaken in an effort to promote fundamental education.

545 A Community Colleges, Adult and Continuing Education Branch has been established within the Department of Education to assist in the co-ordination of educational programs for adults.

546 The Manpower Needs Committee coordinates in Manitoba the adult basic education programs of the Employment and Immigration Commission of the federal government.

547 The Department of Community Services and Corrections has introduced education as part of the rehabilitation process. Programs in this area are normally provided by a local community college or university.

Libraries, literacy councils, and literacy volunteers sponsor adult basic education programs. Sheltered workshops are also employed to provide basic education skills to special client groups. 548

The International Centre in Winnipeg serves 200 people who need to upgrade their reading and writing skills. The Winnipeg School Board oversees this program. 549

A major program in the field of fundamental education is the General Education Development Program. This program, initiated by the Department of Education in 1972, attempts to accommodate those adults who did not graduate from high school, but who may have acquired skills at or above the high school level since leaving school. General Education Development tests are administered in the areas of Writing Skills, Social Studies, Science, Reading Skills, and Mathematics. High school equivalency certificates are awarded to those persons who perform satisfactorily on these tests. Since 1972, over 17,000 Manitoba adults have written tests and have been awarded certificates. 550

(2) Factors and difficulties.

There are several difficulties affecting the realization of the right to fundamental education. Many of these problems are related to the rural nature of Manitoba. The sparse population scattered across a vast geographic area has led to problems in transportation and communication. There are also difficulties related to a rural or Native way of life. Associated with this is the fact that rural and/or Native adults often receive lower incomes than their urban and non-Native counterparts. Handicapped adults in rural areas also face obstacles that hinder their pursuit of fundamental education, such as a lack of facilities and trained personnel. 551

However, specific and disadvantaged groups are increasingly receiving access to fundamental education. Following are some examples of the programs in place that attempt to serve the needs of these special groups. Assiniboine Community College offers a Native Pre-Business Education course. In 1982, nine students were enrolled in this program. Keewatin Community College offers a Satellite Adult Basic Education course. In 1982, 166 students were enrolled in this program. Red River Community College offers the following courses: a Rural Adult Basic Education course, a Rural Basic Training For Skills Development course, and a Rural Employment Strategies course, in which a total of 367 students were enrolled in 1982; a Preparation Program For the Handicapped, in which 10 students were enrolled in 1982; a Hearing Impaired Preparation Program, in which 13 students were enrolled in 1982; and, a Correspondence Adult Basic Education course, in which 10 students were enrolled in 1982. 552

(3) Statistical data.

Enrollments in adult basic education courses in Manitoba community colleges were 3,234 in 1977/78 and 2,954 in 1981/82, with lower figures in between (2,573 being the lowest, in 1980/81). Each year, nearly half of the registrants were in the 15-24 age group, one third in the 25-34 age group, and the rest in the group 35 years and over. The number of women enrolled was about 15% higher than men at the beginning of the period and 7% lower at the end of the period. 553

G. Development of a system of schools

(1) Principal laws, etc.

554 In Manitoba, the development of the present school system began with the establishment of the School Divisions Boundaries Commission in 1958. This Commission was responsible for the organization of the province into school divisions. Upon approval, residents in each area voted on the establishment of a school division to replace the old school district system. Where the vote was favourable, the Minister could, by order, establish a division. This school division concept provided opportunities for education which did not exist in many Manitoba communities prior to 1958.

555 Once a school division was established, the organization of the school board of trustees followed. This process included: the nomination of candidates for the first board; setting the date of the first election; and, determining the term of office for each trustee position. Upon completion of the organization process and the filling of vacancies, the next step was the delineation of school board powers and duties.

556 The duties of school boards are outlined under Sections 41 to 43 of The Public Schools Act. All school boards must provide adequate school accommodation and education in grades 1 to 12 inclusive for all resident persons who have the right to attend school. They must make provision for a pupil to attend a school in another school division or school district for a program not provided by the pupil's home school division; the pupil's home school division is then responsible for paying the residual costs of this education. They must appoint an auditor to conduct an annual audit, to prepare a supplementary report, and to provide a financial statement to the Minister for the purpose of describing in detail expenses for all purposes and revenues from all sources for the current year. In addition, they must provide or make provision for the transportation of all resident pupils not residing in a city, town, or village and who have more than one mile to walk in order to reach school. Alternatively, they may pay all or part of the living expenses of such pupils instead of providing transportation.

557 The powers of school boards are outlined in other sections of The Public Schools Act including sections 48, 49, 51 and 53. School boards may provide various courses of instruction, collect tuition fees, purchase various educational material, make provisions for the transportation of any resident pupils, and authorize the levying of fees or fines. They also have the power to expend moneys raised for other school purposes. They may grant scholarships, bursaries or awards. They are allowed to make special provisions for teachers in the areas of leave of absence, sick leave and insurance coverage, and to establish pension, superannuation or optional plans to cover those employees who are not provided for under The Teachers' Pensions Act. They must appoint a superintendent and a secretary-treasurer, pay their remuneration and define their duties.

(2) Measures taken to develop a system of schools.

(a) Provision of finance

558 Since 1967 the Province has provided 100% funding of approved capital costs of new buildings, additions and major renovations. More than $200 million had been

invested up to 1982. In 1981, 15 major projects were approved at an estimated cost of $9,085,000. Funding is organized through debentures issued in the name of the school division, purchased by the Province through the Capital Financing Authority. The amount required for the annual debt retirement payments is provided by the province.

(b) Building of schools

School divisions are responsible for commissioning architects for these projects, and consequently for the planning of facilities. However, the plans must receive the approval of the Department of Education School Buildings Projects Committee, the Public Schools Finance Board, and the Minister at the schematic, sketch plan, working drawing, and tender stages of each project. 559

(c) Provision of educational material

The Department of Education contains an Instructional Media Services Branch. Four sections of this Branch provide schools with instructional material. Administration and School Services are responsible for the co-ordination of the materials and services provided. The Department of Education Library provides various media support materials. Production and School Broadcasts provides multimedia programs. Special Materials Services provide alternative learning materials for special students. In addition, there is the Manitoba Text Book Bureau, which is responsible for the distribution of Print and Non-Print Materials. In 1981-82, this Bureau expended $566,900 on educational materials. In addition, textbooks are issued free of charge to all pupils under clause 41(1)(n) of The Public Schools Act. 560

Furthermore, the Department of Education provides library assistance to schools, in the form of technical aid or assistance in the establishment of school libraries. However, school libraries remain fully autonomous as the Department exercises no censorship regulations pertaining to library materials. 561

(3) Statistical and other comparative data.

The provision of finance for the development of a system of schools comes in three general forms. Firstly, there is the Education Support Program, controlled in part by the Public Schools Finance Board and the Department of Education. This program is 65% funded by general provincial revenue and 35% funded by the Education Support Levy on property. The Education Support Levy is based upon property assessments within a school division. The Education Support Program contributed 77% of all revenues in 1981, compared to an average of 50% in previous years. Secondly, there is the Special Levy, which allows individual school divisions to raise additional monies by levying an additional local tax on real property. Some 20% of the funds were raised through this tax in 1981 compared to between 41% and 45% in previous years. Thirdly, there are other sources, which may include revenue from the federal government, from individuals, from other school boards, and from the Province of Manitoba other than the Education Support Program. Revenues from these sources amounted to 3% in 1981. The percentage was lower in previous years. In addition, prior to 1981, there were equalization grants, which attempted to provide less affluent school divisions with greater financial support. These grants amounted to approximately 4.5% of total revenues between 1975 and 1980. The total revenue per pupil increased from $951 in 1973 to $2,746 in 1981. 562

(4) Factors and difficulties.

563 The main difficulty in developing a comprehensive system of schools has been the geographic and demographic nature of Manitoba. The province is characterized by a sparse population scattered across a large area. This causes significant administrative difficulties. These problems were addressed in 1967 with the unitary school division legislation. Before the establishment of unitary school divisions in 1966-67, approximately 2,000 school districts and divisions were in existence in Manitoba. At present, there are 47 unitary school divisions. In addition, there is a system of special revenue and remote school districts. Currently, there are 6 special revenue school districts and 7 remote school districts.

H. Establishment of an adequate fellowship system

(1) Principal laws, etc.

564 Principal regulations designed to encourage an adequate fellowship system are embodied in Manitoba Regulation 249/80, which is authorized under The Education Administration Act, S.M. 1980, c. 31 - Cap. E10. The regulations provide that the purpose of the various aid programs is to supplement, but not to replace, family or student resources (section 2). These monies are to encourage students to complete or further their education or training in programs approved by the Minister.

565 Section 3 states who is eligible for student aid. Every applicant for an award: shall be a Canadian citizen, or have landed immigrant status; shall have a scholastic record which merits an award; shall be a person who has resided in Manitoba for 12 consecutive months, or whose parents or guardians are residents of Manitoba, or whose parents or guardians have ceased to be residents of Manitoba after he/she has entered the program for which an award is sought; and shall accept all conditions of the award for which application is made.

566 The regulations provide for assistance for students enrolled in grades 9 to 12 in a public secondary school (s. 17(1)), for undergraduate students enrolled in Canadian universities (s. 19(1)), for the training of teachers in areas of special need (s. 22), for post-graduate studies (s. 26(1)), and for technical education at community colleges (s. 28(1)). They also provide for special opportunity bursaries for those students who are mentally or physically handicapped (s. 30), for awards to Manitoba residents of Indian or Métis origin (s. 34), and for the establishment of Official Minority Language Study Bursaries (s. 37).

(2) Measures taken to overcome obstacles.

567 The major effort in this area is provided by the Manitoba Student Aid Program. The Student Aid Directorate offers three major programs.

568 Firstly, there is the Secondary School Bursary Program, which provides bursaries to students attending a public high school in Manitoba in grades 9 to 12, to students living north of the 53rd parallel of latitude, and to adult students planning to complete their high school education.

569 Secondly, there are programs of assistance for post-secondary students. The main programs, the Manitoba Government Bursary Program and the Canada Student

Loans Program, provide the bulk of financial assistance. In 1981/82, the Manitoba Government Bursary Program provided approximately $6,000,000 in aid, while the Canada Student Loans Program provided approximately $11 million in assistance. The amount of non-repayable aid varies in accordance with the degree or need demonstrated by the student.

Thirdly, there exists a Special Opportunity Program. This program has several subsidiary programs. For example, the Special Opportunity Handicapped Program provides support for the extra services a student may need as a result of a handicap. In 1981, such aid amounted to $1,684,000. The Teacher Training Bursary Program provides aid to teachers who specialize in certain areas of education and is generally repayable through service to the Province. The Prince of Wales/Princess Anne Bursary is available to Manitoba residents of Indian or Métis origin attending a post-secondary institution. The Special Opportunity Métis and Native Secondary Bursary Program provides assistance to Métis, non-status or status Indian students attending grades 9 to 12. 570

Finally, assistance is available under the Social Allowance Program which is administered by the Department of Community Services and Corrections. 571

I. Improvement of the material conditions of teaching staff

(1) Principal laws, etc.

(a) Security of tenure

The Public Schools Act contains several provisions in this area. In Manitoba, when a teacher has accumulated 20 months of continuous service with a particular school division, he or she has secured the right to tenure within that particular division. With the right to tenure section 92 of the Act protects teachers against arbitrary termination of a contract. The tenure of university teachers is governed by the collective agreements or internal policies applicable to each institution. Generally speaking, these arrangements are at least as secure as those which govern teachers in the public schools. 572

(b) Collective bargaining

The Public Schools Act defines the collective bargaining process which permits teachers in the public schools system to negotiate collective agreements with their employer. Collective bargaining within the universities is governed by the legislation applicable to each university and generally corresponds to the pattern of collective bargaining applicable to teachers in public schools. 573

(c) Sick leave

Bill 43, An Act to Amend The Public Schools Act, entitles a teacher to accumulate one day of sick leave for every nine days of actual teaching service. Sick leaves are paid up to the maximum entitlement as determined in the Act (section 93). All matters relating to the manner of accumulating and limiting the accumulation of sick leave may be negotiated, and, if necessary, referred for arbitration (section 95). Sick leave arrangements within the universities are determined by the appropriate collective agreements. 574

(d) Maternity leave

575 The Employment Standards Act requires employers in Manitoba to grant maternity leave upon request of the employee. However, an employer is only required to grant this leave after the employee has worked 12 months for that employer. Provisions for maternity leave, specifically for teachers, are contained in many collective agreements. Generally, a teacher is awarded credit on the teacher salary scale up to a maximum of 15 weeks or 75 teaching days. In addition, allowances for exceptional cases may be made by the Evaluations Committee of the Board of Teacher Education and Certification. Within the universities, maternity leave is sometimes also governed by the provisions of applicable collective agreements.

(e) Pensions and disability allowances

576 In Manitoba, pensions and disability allowances for teachers are provided under The Teachers' Pensions Act. Salary Continuance Plans are in effect in school divisions to assist in providing income to disabled teachers.

(2) Terms and conditions of employment of teaching staff.

(a) Salaries

577 The salaries of public school teachers are normally subject to collective agreements negotiated between the teachers' organizations and the school divisions. Within these collective agreements, salaries are determined by increment and class. Increment is determined according to years of related experience. Class is determined according to Department of Education ratings, which are based upon academic and professional qualifications. Individual salaries are arrived at through the use of increment-class schedules. Somewhat similar arrangements exist under university collective agreements.

(b) Social security

578 Social security for public school teachers is the responsibility of the Teachers' Retirement Allowances Fund Board. Teacher benefits take four general forms. Regular service pensions are provided to retired teachers or dependents or estates of deceased retired teachers. Disability pensions are provided to retired disabled teachers or their dependents, or estates if deceased. Death benefits are provided for the surviving spouses or children of deceased teachers. Finally, special annuities are provided for former teachers of retirement age who are not entitled to regular pensions. In addition, teachers benefit from the general social security allowances as provided under the Canada Pension Plan. Similar arrangements exist under university collective agreements.

(c) Continuing education

579 Continuing education for public school teachers is divided into four areas. Firstly, the Department of Education provides services in all curriculum areas. Special teacher needs are met through professional development workshops. Secondly, the Manitoba Teachers' Society works in conjunction with professional development committees. These committees assess the needs of teachers, plan and conduct in-service programs, and evaluate these in-service programs. Thirdly, the universities in Manitoba provide Advanced Certificate in Education

programs. These programs are designed to provide opportunities for continuing education and professional development, to allow teachers to meet professional and personal needs, and to meet the needs of teachers who already have basic professional education. Within the universities, the principal technique for facilitating continuing education is sabbatical leave, which is available under the collective agreements.

(d) Working conditions

Each year the Manitoba Teachers' Society prepares a brief outlining areas of concern pertaining to teachers' working conditions and submits a report to the Minister for his/her consideration. In addition, the Manitoba Teachers' Society is involved in a comprehensive study to identify specific problems and to arrive at detailed recommendations that will improve the working conditions of teachers. The Faculty Associations in each university perform a similar role. 580

(3) Participation of teachers and their organizations in educational planning and curriculum development.

In Manitoba, the principal organization of public school teachers is the Manitoba Teachers' Society. The Society is active in the following areas: it seeks the establishment of national standards of qualifications for the issuance of a Canadian teachers' certificate, in addition to recommending support and acceptance of the certificate by the various provincial teachers' organizations and by the corresponding departments of education; it makes an annual presentation of resolutions to the Premier, the Minister of Education, and all members of the Legislature, including the opposition; it advocates the principle of teacher involvement in program and curriculum development through its representation on relevant Department of Education councils and committees. The Society also makes recommendations regarding issues such as training and increased teacher input in curriculum planning. 581

A teacher has the right to use in the classroom any programs, books, or materials which have been authorized by the Minister of Education or approved by the local school board. The Manitoba Teachers' Society will support any teacher who is involved in a dispute for using in the classroom any programs, books, or materials which have been authorized or approved. 582

Within the universities, the professoriate plays a very large role in the formulation of educational programs and curricula, and enjoys extensive academic freedom in the implementation of those programs and curricula. 583

(4) Factors and difficulties.

The main threat to the material conditions of teachers in Manitoba lies in the reduction of teaching positions. These staff reductions are a direct result of declining enrolments in Manitoba schools. 584

J. Right to choice of school

(1) Principal laws, etc.

In Manitoba, a student may be educated at home or elsewhere if a certificate is obtained each year from a designated Department of Education official indicating 585

that the education provided is equivalent to that offered by public schools. As a result, parents and legal guardians have the right to choose schools or institutions other than those established by the public authorities. (Subsection 261(b) of The Public Schools Act)

(2) Right of parents to ensure the religious and moral education of their children in conformity with their own convictions.

586 Various sections of The Public Schools Act serve to promote the right of parents to ensure the religious education of their children in accordance with their own beliefs. Subsection 80(2) states that the school board shall authorize instruction in religion in compliance with a petition signed by the parents or legal guardians of at least 10 children. Subsection 84(8) states that if a petition asking for religious exercises is signed by the parents or guardians of at least 75% of the pupils, then religious exercises shall be conducted for the children of those parents or guardians in that school year. Both of these areas of The Public Schools Act are subject to the regulations of The Advisory Board as set out under subsection 84(2) and section 85, and sections 10 to 17 of The Education Administration Act. In addition, the above laws are subject to Manitoba Regulations 246/80 and 247/80, which set forth guidelines for religious and patriotic exercises held within the schools. Section 82 and subsection 84(4) state that the parents or guardians may have their children excused from participating in religious instruction or attending religious exercises, if they so desire.

(3) Measures to promote respect for this right, including the opportunity to attend a school where teaching is in the native language.

587 The right of parents to ensure that their children are educated in either one of the two official languages is protected under Section 79 of The Public Schools Act. Subsection 79(2) states that any language may be used in any school for religious teaching, before and after regular school hours, for a period authorized by the Minister, for pilot courses as determined by the Minister, or for transitional purposes. Subsection 79(3) states that either French or English shall be used as the language of instruction in any school where there are 23 or more pupils whose parents or guardians sign a petition requesting the use of either French or English.

(4) Factors and difficulties.

588 As parents and legal guardians have the discretion to have their children educated in public schools, private schools, at home or elsewhere, their right to choice of school has been realized. However, this right is limited by the fact that only public schools offer educational services free of charge.

K. Liberty to establish and direct education institutions

(1) Principal laws, etc.

589 The liberty to establish and direct educational institutions is supported by assistance provided to these institutions. Several measures are in place in The Public Schools Act to provide such assistance. Subsection 60(1) allows private schools to enter into agreements with public school boards for the transportation of children enrolled in private schools along existing public school bus

routes. Subsection 60(2) allows private schools to enter into agreement with school division authorities respecting the use of facilities and resources for the benefit of children enrolled in private schools. Subsection 60(4) makes available grants to a school division or school district that may include amounts in respect of transportation, facilities, and/or resources provided by the school division or school district for the benefit of children enrolled in a private school. Subsection 60(5) allows payment of grants to private schools. These grants are paid in cases where the Minister is satisfied: that the private school teaches a sufficient number of courses approved under The Education Administration Act to ensure a standard of education equivalent to that received in public schools; and, that the teachers teaching approved courses in private schools hold valid and subsisting teaching certificates issued under The Education Administration Act.

(2) Measures designed to prevent interference with this liberty.

The liberty to establish and direct an educational institution is protected in two principal ways. Firstly, there is relatively little regulatory interference, as evident by the absence of laws and regulations pertaining to private educational institutions. Secondly, some support is given to private educational institutions by the Department of Education. In 1981-82, this assistance amounted to $3,136,900 being paid to 74 of these institutions. 590

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

In view of a compulsory school age of 7 to 16, and the fact that any person between the ages of 6 and 21 has the right to receive free public education, the principle of compulsory education, free of charge, has been realized in Manitoba. 591

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

(1) Principal laws, etc.

The Province of Manitoba has, in the legislation which follows, acknowledged the right of everyone to take part in cultural life. In the preamble to The Manitoba Arts Council Act, S.M. 1965, Cap. 6, Chapter A140 of the Continuing Consolidation of the Statutes of Manitoba, it is recognized that: it is desirable that every citizen of Manitoba have the opportunity to achieve his fullest potential and the right to enjoy and enrich the cultural heritage of Canada and the province; the operation and achievements of cultural organizations which strive to meet the needs of the province increase, improve, and enhance, the prestige, education, economic standards and general well-being of the citizens of Manitoba; the encouragement and support of the arts is deemed to be a matter in which the government should appropriately be concerned; it is deemed appropriate that the government should seek the co-operation of public and private organizations and persons, and encourage private initiative and effort, in the encouragement and support of the arts; and, it is considered to be in the best 592

interests of the citizens of Manitoba that provision be made for encouragement and promotion of artistic and cultural progress throughout the province.

593 This Act provides for the establishment of the Manitoba Arts Council whose aims and objectives are to promote the study, enjoyment, production and performance of works in the arts.

594 In addition, Le Centre Culturel Franco-Manitobain Act, S.M. 1972, C43 - Cap. C45, provides for a non-profit corporation to operate a cultural facility to maintain, encourage, foster, and sponsor by all means available, all types of cultural activities in the French language, and to make available Franco-Canadian culture to all residents of the province.

(2) Measures for the realization of this right, including:

(a) Information on the availability of funds and public support for private initiative.

595 The Department of Cultural Affairs and Historical Resources is committed to developing and maintaining the real natural resources of the people of Manitoba: their talents, their contributions, and their heritage. This department had a total budget of $13,945,900 in 1981.

596 On an annual basis, the Manitoba Department of Cultural Affairs and Historical Resources, with authority under The Museums and Miscellaneous Grants Act, Chapter M270 of the Continuing Consolidation of the Statutes of Manitoba, provides funding for cultural purposes to: the Western Manitoba Centennial Auditorium; Le Centre Culturel Franco-Manitobain; the Manitoba Arts Council; the Manitoba Centennial Centre Corporation; the Manitoba Museum of Man and Nature; the Ukrainian Cultural and Educational Centre; and, the Winnipeg Art Gallery. Operating and capital support to these institutions totalled $5,739,153 in fiscal year 1981/82.

597 Under the authority of The Public Libraries Act, Chapter P220 of Revised Statutes of Manitoba, and Regulation 189/80, the Department of Cultural Affairs and Historical Resources provides establishment and operating grants to public libraries in Manitoba. In fiscal year 1981/82 these grants totalled $1,928,786.

598 Under the authority of The Lotteries and Gaming Control Act, Chapter L210 of the Continuing Consolidation of the Statutes of Manitoba, the Department provides grants to community arts and ethnic organizations and to other community organizations in support of cultural and heritage programs. Lotteries funds disbursed as grants or in support of cultural and heritage programs totalled $1,871,125 in fiscal year 1981/82.

599 Funds are also made available by the Manitoba Arts Council which may: make grants to assist, cooperate with, and enlist the aid of, organizations whose objects are similar to the objects of the council, and co-operate with the Canada Council; provide through appropriate organizations or otherwise for grants, scholarships, or loans, to citizens of Manitoba for study or research in the arts; and make awards to citizens of Manitoba for outstanding accomplishments in the arts. In fiscal year 1981/82, the Council disbursed more than $1,650,000 for cultural purposes on behalf of the Government of Manitoba.

(b) Institutional infrastructure established for the implementation of policies to promote popular participation in culture.

(i) Cultural centres

The main cultural centres are: the Manitoba Centennial Centre Corporation, which was established under The Manitoba Centennial Centre Act, S.M. Cap 4, 1968, to administer a concert hall and arts centre for the people of Manitoba; Le Centre Culturel Franco-Manitobain, established under Le Centre Culturel Franco-Manitobain Act to make available Franco-Canadian culture to all residents of the Province. In rural Manitoba, there is the Western Manitoba Centennial Auditorium and cultural centres in a number of smaller communities. 600

(ii) Museums

The Manitoba Museum of Man and Nature is the province's principal museum. Support for the Museum and for community museums throughout Manitoba is provided by the Department of Cultural Affairs and Historical Resources under the authority of The Museums and Miscellaneous Grants Act. 601

(iii) Libraries

The Public Library Services Branch of the Department of Cultural Affairs and Historical Resources is responsible for the development and maintenance of public library systems throughout Manitoba. Under the authority of The Public Libraries Act, the branch provides operating grants and technical support to established libraries, which serve more than 80% of provincial residents. The Branch also provides library materials directly to residents in areas of the province where libraries have not yet been established. 602

(iv) Theatre

Direct support for theatre organizations is provided through grants from the Manitoba Arts Council. The Department of Cultural Affairs and Historic Resources provides indirect support through its assistance to the Manitoba Centennial Centre Corporation, which makes performance space available. In addition, through its Cultural Development Branch, assistance is provided for performance opportunities. 603

(v) Cinemas

The Amusements Act, Chapter A70 of the Continuing Consolidation of the Statutes of Manitoba, provides for the establishment of the Manitoba Film Classification Board. The Board has responsibility for maintaining theatre inspection to enforce compliance with all relevant sections of the Act, and for providing, through a system of film classification, such information as may be helpful to encourage selective film viewing in public theatres. 604

(c) Promotion of cultural identity as a factor of mutual appreciation among individuals and groups.

The Government of Manitoba is committed to the development of a multicultural policy for the province. Existing and anticipated governmental policies and activities recognize that Manitoba is a multicultural province, promote cross 605

cultural activities to increase knowledge and understanding between cultures, work towards the elimination of all forms of discrimination, assist all Manitoba's cultural groups to maintain their cultural heritage, and provide opportunities for all Manitobans to participate and contribute fully to the life of the province.

(d) Promotion of the awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples.

606 The Cultural Development Branch of the Department of Cultural Affairs and Historical Resources offers several programs which are intended to maintain the cultural heritage of ethnic groups in the province. Specifically, the Language and Culture Camp Program provides assistance for the salaries and expenses of resource personnel to co-ordinate summer-immersion programs on behalf of ethnocultural communities for school age children. These camps provide children with an opportunity to learn their ancestral language and to gain an understanding of their cultural heritage. The Linguistic Support Program offers grants to ethnocultural groups who provide ancestral language programs for school age children outside the public school system. The Multicultural Grants Program provides operating support to ethnocultural organizations for the preservation, promotion, development, and sharing of the cultural heritage of Manitoba. The Multicultural Capital Grants Program provides support to ethnocultural organizations for the preservation, restoration, construction or purchase of structures of cultural or historical significance to the province.

(e) Role of the media in promoting participation in cultural life.

607 The role of mass media and communication media in promoting participation in cultural life is influenced by policies established and administered by the Government of Canada.

(f) Preservation and presentation of mankind's cultural heritage.

608 The policy framework governing the operations of the Historic Resources Branch of the Department of Cultural Affairs and Historical Resources is provided by The Historic Sites and Objects Act, Chapter H70 of the Continuing Consolidation of the Statutes of Manitoba. Under this Act, historic sites and objects of historic or prehistoric interest are protected and controlled. The Act also provides authority for the Historic Sites Advisory Board, which is responsible for making recommendations to the Minister on the issuance of permits and regulations concerning historic sites and objects and on the designation and commemoration of Provincial Historic Sites.

609 The Public Archives of Manitoba, operating under the authority of The Legislative Library Act, plays a key role in the collection and preservation of documents relating to Manitoba's cultural heritage.

(g) Freedom of artistic creation and performance and limitations imposed on that freedom.

610 The protection of the freedom of artistic performance is the responsibility of the Manitoba Arts Council. This council exists to promote the study, enjoyment, production and performance of works in the arts. It operates as an agency

affiliated with the provincial government, and is designed to remove the artist from political decision making, while at the same time supplying assistance to the artist in the form of grants.

The best measure of artistic freedom is the extent of limits placed on free expression. In Canada, many potential forms of limitation, such as laws on obscenity, are within the constitutional purview of the federal order of government. Generally speaking, applicable federal laws are reasonably tolerant of artistic expression. The same is true of those areas of restriction that fall within Manitoba's jurisdiction. The Defamation Act and related common law principles give wide scope to legitimate artistic expression. Some forms of expression are prohibited by The Human Rights Act, but only if they would contribute to intergroup hatred or discrimination. 611

(h) Professional education in the field of culture and art.

The Government of Manitoba contributes to professional education in the field of culture and art through support for Schools of Art, Music and Drama in the province's three universities. Support is also provided to the School of the Royal Winnipeg Ballet and to individual artists, in the form of bursary assistance, by the Manitoba Arts Council. 612

(i) Other measures.

In Manitoba, the cultural community is served by two principal agencies: the Manitoba Arts Council and the Department of Cultural Affairs and Historic Resources. Both agencies support a variety of programs in addition to the ones listed previously. Some examples are: leadership training programs to assist community leaders to establish or improve cultural activities; outreach programs to encourage the sharing of cultural resources between communities, and to equalize opportunities to participate in cultural programs not available in particular communities; artist-in-residence programs to provide communities with the services of an artist of their choice to develop activities, demonstrate skills, and conduct workshops; and, concerts in the North programs to encourage the development of performance opportunities in northern and remote areas. 613

(3) Factors involved and difficulties encountered.

A major difficulty facing the Government of Manitoba concerns the distribution of the province's population. Fully 55% of the people are concentrated in the provincial capital, while most of the remainder are distributed throughout the rural areas of the southern third of the province's 650,000 square kilometers. Sparse, isolated settlements and communities are also located in the northern areas. Despite this distribution, the Department of Cultural Affairs and Historical Resources is taking steps to ensure that, as much as possible, there is equitable access to departmental resources and programs, as well as equitable opportunities and support for the pursuit and achievement of individual or group potential in cultural endeavours. 614

Overall, Manitobans are free to participate in cultural/arts activities, limited only by: their ability to pay for those activities which require a fee or payment; their own creativity; and, in some case, the amount of public financial support required to ensure the occurrence of the event or activity. 615

B. Right to enjoy the benefits of scientific progress and its applications

(1) Principal laws, etc.

616 The principal Manitoba law related to the accrual of the benefits of scientific progress and its application to everyone in the province is The Research Council Act, R.S.M. 1970, R110. The Act established the Manitoba Research Council as a provincial agency of the Department of Economic Development and Tourism with one of its objectives being "to help to secure for Manitoba the benefits of research and scientific enquiries ...". Under its mandate the Research Council may build, equip and staff laboratories and libraries and offer these services to industrial firms, organizations or persons wishing to use them. The Council provides a mechanism for stimulating scientific and technological development through the involvement of the private sector, universities, and other research organizations.

617 In addition, the Province of Manitoba (Department of Economic Development and Tourism), and the federal government (Department of Regional Economic Expansion), have entered into a five year industrial development agreement known as Enterprise Manitoba. A major program under this initiative is Technology Assistance. A main purpose of this program is to stimulate the application of technology in industry. The private sector is directly involved in the identification of activities which are carried out under this program. Under this program the Manitoba Research Council has established two technology centres: the Canadian Food Products Development Centre in Portage La Prairie, and the Industrial Technology Centre in Winnipeg. The activities of these centres include the provision of technical advisory services, information dissemination, demonstration, quality assurance, product evaluation, product development, and other related functions. Services are made available to everyone in the province.

(2) Measures taken to ensure the application of scientific progress for the benefits of everyone, including measures to promote a healthy and pure environment and information on the institutional infrastructures established for that purpose.

618 Information on measures taken for the protection of the environment was provided in Canada's report on articles 10 to 12 of the Covenant.

(3) An indication of measures taken to promote the diffusion of information on scientific progress.

619 The Manitoba Research Council, in co-operation with the National Research Council, provides a technical information service within the province. National Research Council field officers travel throughout the province and assist individuals and companies with their technical information needs. The Manitoba Research Council offers special services for information retrieval from computerized technical information data bases. A microfilm system providing comprehensive information on technical products and equipment is also provided through the Industrial Technology Centre.

620 In addition, financial support is given to senior science students and university professors to assist in the dissemination of scientific information. Also

involved in the diffusion of scientific information is the Department of Agriculture through the establishment of a co-operating network of university libraries. These include many scientific and special libraries that utilize various computerized information systems and data bases.

(4) Measures taken to prevent the use of scientific and technical progress for purposes contrary to human rights.

Specific provincial legislation which relates to the prevention of the use of scientific and technical progress for purposes which are "contrary to the enjoyment of all human rights" is included in The Clean Environment Act, and also in the regulations related to The Workplace Safety and Health Act, R.S.M. 1970, W210. The latter is administered by the provincial Department of Labour and Manpower. Broad protections are also provided through the Canadian Constitution. 621

Virtually all scientific research undertaken within the province adheres to guidelines adopted by the Social Sciences and Humanities Research Council on "Ethical Acceptability for Research Involving Human Subjects". In a special area of concern, biological research undertaken within the province follows the guidelines established by the Medical Research Council (National) for the handling of recombinant DNA molecules and animal viruses and cells. 622

The Privacy Act prohibits unreasonable intrusion of privacy by electronic or other means, and related protections can be found in The Telephone Act and The Personal Investigation Act. 623

(5) Restrictions on the exercise of this right.

Infringement upon the rights of others is restricted. 624

C. Protection of moral and material interests of authors

(1) Principal laws, etc.

Copyright protection is governed by the federal legislation. 625

University collective agreements contain additional protections for the authors and inventors of works and discoveries developed by staffs of those institutions, and similar provisions exist in some collective agreements within the commercial sector. 626

The Manitoba Research Council through its Industrial Technology Centre can provide patent information and can undertake technical evaluations and prototype development. The Council also provides appropriate referrals to federal agencies responsible for patents. 627

(2) Implementation of intellectual property rights.

In Manitoba, there are two principal agencies that serve to protect the moral and material interests of authors. These are the Winnipeg Branch of the Canadian Authors Association and the Manitoba Writers' Guild. Following are some of the major objectives of these agencies: to act as a unifying force for the common interest of all authors in Manitoba; to serve as liaison with all levels 628

of government on matters which are of concern to Manitoba authors; to participate in dialogue with other organized divisions of the community to promote the interests of authors; and, to work for protection of Canadian authors and other artists producing copyrightable material.

629 In the pursuit of these goals, the Manitoba Branch of the Canadian Authors' Association and the Manitoba Writers' Guild have been active in the following areas. Both agencies have attempted to improve copyright legislation. Efforts here include lobbying government to recognize Author's Lending Rights and to establish stiffer regulations against literary piracy. Both agencies have attempted to improve income tax regulations as they affect authors. Both organizations have presented briefs to royal commissions on issues such as copyright revision. The Manitoba chapter of the Canadian Authors Association has worked to prevent the imposition of a sales tax on books and printing in Manitoba. The Manitoba branch of Canadian Artists Representation performs a similar role with respect to the rights of those engaged in the visual arts.

(3) Difficulties affecting the realization of this right

630 In Canada, the moral and material interests of authors are mainly protected under copyright law. The current federal Copyright Act is 55 years old. Under this Act, copyright is generally automatic. However, two recent developments have presented problems which are not dealt with effectively under current legislation. Firstly, the widespread use of photocopying and microfilming, as well as computer-based storage and retrieval systems, present copyright conflicts. Secondly, there is a lack of clear protection for resident authors from imported editions of literary and artistic works. As a result, authors may suffer a loss of revenue. A possible solution would be the enactment of a new copyright law which would provide full and effective protection. Efforts in this area are currently under way.

631 Finally, there is the issue of computer software. While in principle, copyright protection extends to scientific and technical writings, a particular problem exists with the protection of computer software. In practice, the protection of computer software depends upon the initiative and actions of the author.

D. Steps taken for the conservation, the development and the diffusion of science and culture

632 Information on this subject was provided earlier in this report. Following are additional measures taken in Manitoba to promote cultural and creative activities. Financial support is provided to Regional Science Fairs in the province. A committee on Western Provincial Technical Cooperation has been established. The Manitoba Research Council participates as a member of the National Organization of Provincial Research Organizations. The Manitoba Research Council has supported the establishment of the Industrial Applications of Microelectronics Centre, and has supported a variety of other strategic research activities and initiatives within the province.

E. Freedom of scientific research and creative activity

(1) Principal laws, etc.

Basic civil rights and freedoms accorded to all Canadian citizens through the Constitution and both federal and provincial laws encompass the right to the freedom indispensable for scientific research. 633

(2) Measures to promote the enjoyment of this right.

The Department of Economic Development and Tourism, and its agency - the Manitoba Research Council - have responsibilities to promote and carry out, or cause to be promoted or carried out, research and scientific enquiries related to the economic development of the province. The Research Council and the Technology Branch of the Department of Economic Development and Tourism co-operate in the analysis of the state of research and development as well as technology utilization in the province. The Council advises the Minister respecting: research and scientific activity concerning the economy of Manitoba; the methods of achieving integration and coordination of research and scientific activity in the province; and, increasing co-operation and research efforts between the public and private, provincial and extra-provincial agencies. 634

(3) Freedom of exchange of scientific, technical and cultural information.

Guarantees are provided under the basic civil rights and freedoms accorded to all Canadian citizens through the Constitution and federal and provincial laws. The Manitoba Research Council promotes the freedom of exchange of scientific symposia, seminars and conferences. The exchange of scientific and technical information is directly assisted by the technical information services of both the National Research Council and the Manitoba Research Council. Several technical libraries exist in the province which provide direct access to most scientific and technical journals. The computer technical information retrieval system at the Manitoba Research Council's Industrial Technology Centre provides access to the major world technical information data bases (ORBIT, DIALOG). Manitoba's three universities play a large role in this regard also. 635

(4) Support to professional organizations engaged in scientific research and creative activities.

Specific provincial legislation has been enacted to regulate, protect and promote specific areas of professional technical activity within the province. Examples include: The Engineering Profession Act, R.S.M. 1970, E120; The Medical Act, R.S.M. 1970, M90; and The Architects Act, R.S.M. 1970, A130. Such legislation is a parallel of equivalent legislation in other provincial jurisdictions. 636

(5) Factors and difficulties.

Difficulties potentially could occur in some areas as a result of limited or shrinking financial resources. 637

F. International co-operation

638 The Cultural Development Branch of the Department of Cultural Affairs and Historic Resources maintains a liaison with the Cultural Affairs Division of the Department of External Affairs, and participates in meetings of the Joint Commission of representatives from Canada and other countries. These programs deal with cultural and educational exchanges. In 1981-82, Manitoba participated in exchanges, notably with France, Belgium, Mexico, China and Great Britain.

(2)(b) Participation in international activities by those involved in scientific research or creative activity.

639 Most Manitoba scientists and engineers are members of international scientific societies and associations (e.g., Society of Manufacturing Engineers), or national associations with international linkages (e.g., Canadian Association of Physicists). Manitoba scientists were instrumental in organizing an international conference on nuclear waste disposal in 1982.

640 Many Manitoba university professors participate every year in international conferences on topics that span the entire spectrum of cultural, artistic and scientific matters.

641 Manitoba is also excellently represented through international tours and performances of various professional and amateur performing arts organizations. An example is the tour, by the Royal Winnipeg Ballet, of Britain, West Germany, Egypt and Ireland in 1982.

NEW BRUNSWICK*

ARTICLE 13: RIGHT TO EDUCATION

A. Principal laws

The principal laws are: the Agricultural Schools Act, R.S.N.B. 1973, c. A-7; 642
the Auxiliary Classes Act, R.S.N.B. 1973, c. A-19; the Education of Aurally or Visually Handicapped Persons Act, R.S.N.B. 1973, c. E-1.2; the Industrial Training and Certification Act, R.S.N.B. 1973, c. I-7; the Maritime Provinces Higher Education Commission Act, R.S.N.B. 1973, c. M-2; the New Brunswick Community College Act, R.S.N.B. 1973, c. N-4.1; the Schools Act, R.S.N.B. 1973, c. S-5; and the Trade Schools Act, R.S.N.B. 1973, c. T-10.

B. Measures taken to promote the full realization of the rights of everyone to education

The many laws and regulations as outlined above ensure the full development of 643
the human personality. The provincial government has established a Department of Education to promote and provide uniformity in the system of education within the province.

Human rights teaching has been developing slowly in the province. The junior 644
high school social studies program covers many topics including: Am I Prejudiced?; Do I Need the Law?; What Is My Role As a Citizen?; What Do I Value?.

The social studies course for grade 11 students is a 12-unit program which 645
studies contemporary Canadian concerns. The political science course for grade 12 students is designed to help students develop an understanding of relationships among individuals, an awareness that the political process is concerned with the ways in which individuals and groups cope with problems and conflicts.

The New Brunswick Human Rights Commission develops and conducts educational 646
programs designed to eliminate discriminatory practices related to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, marital status or sex. Staff and commission members give workshops and lectures at schools throughout the province.

The Human Rights Commission also assisted in the production of a project called 647
"Human Rights - A Canadian Perspective". This is a six week unit designed to help students explore the broad question of human rights in a Canadian context.

The Human Rights Commission has assisted the publication and distribution of two 648
multicultural works. The Teachers' Manual for the Study of Cultural Diversity Found in Canadian Communities is a teaching aid, the purpose of which is to develop and foster a better knowledge, understanding, awareness and appreciation of all Canadians regardless of race, colour or creed. The second publication is called Multicultural Festivals. The book reflects the awareness of a heightened consciousness which underscores the need to develop an appreciation of the customs and traditions of the ethnocultural groups found in Canadian communities.

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* Report prepared by the Government of New Brunswick.

C. Right to primary education

649 The Schools Act, section 59, states that every child from the age of seven to fifteen shall attend school. A parent who does not send his child to school can be fined as can any person who employs a child during school hours. In section 5 it is specified that the Minister of Education shall provide free school privileges for every person from six to twenty years of age inclusive who has not graduated from high school. Both of these sections refer to all children. There is no distinction made between male and female or children of low income groups. All children are covered by primary education.

650 There is a branch of the Department of Education, the Special Education Services Branch, that is responsible for educational programs and services to children with special needs. It provides the programs and services described below.

651 The Administration and operation of the Auxiliary Classes Act. Under this Act auxiliary classes are established that are adapted to secure the mental and physical development of children who are from any physical or mental cause unable to take proper advantage of the public school courses provided for under the Schools Act.

652 Services to learning disabled students are provided, including diagnosis, programming, and remediation. The program is administered by school districts in co-operation with the Special Education Services Branch.

653 Tutorial services are provided to students who may be homebound or hospitalized due to injury or illness.

654 Visually impaired and hearing impaired students have been integrated into the regular classroom to a large extent. These students receive extra assistance in the form of direct teaching, special materials, and consistent monitoring. Itinerant teachers assist the regular classroom teacher. Consultant services to classroom teachers and parents are provided. Those students who are unable to attend regular classes attend a boarding school established under the Education of Aurally or Visually Handicapped Persons Act.

D. Right to secondary education

655 The Schools Act states that free school privileges are provided to everyone from six to twenty years of age. The school board may provide for the conveyance of all pupils living at least two and four-tenths kilometres from the school they attend. Where a pupil is incapacitated, the school board may provide for his conveyance, regardless of the distance.

656 The Program Development and Implementation Branch of the Department of Education has the responsibility of developing and implementing instructional programs and courses for use in the schools. Students at the secondary level are able to choose from academic courses, business courses, or industrial and home economics courses.

657 In addition to the courses offered in the secondary schools in relation to technical and vocational education, the Trade Schools Act and the Industrial Training and Certification Act provide a means for the general population to receive training in basic trades and commercial subjects.

A program of high school equivalency testing (General Education Development) is administered by the Department of Continuing Education. This program is designed to provide adults who did not finish high school but who may have acquired through formal or informal education, experience and educational maturity at or above the level of high school graduates, an opportunity to obtain a 12th year high school equivalency certificate. This program has been very successful and has made it possible for many people to continue to a higher education who would have found it impossible otherwise. 658

E. Right to higher education

In the Province of New Brunswick, there are four degree conferring universities: Mount Allison University, St. Thomas University, University of Moncton with campuses in Moncton, Shippagan and St. Louis-Maillet and the University of New Brunswick with campuses in Fredericton and Saint John. 659

The universities are equally accessible to all students, provided they meet the entrance requirements. The universities are independent institutions. They receive funding from government sources, as well as private donations. Students pay tuition fees and there is no move at this time to provide free higher education. However, there are many scholarships available and there is a student loan program which will be discussed in greater detail under section H. 660

In 1974, the Maritime Provinces Higher Education Commission was established. The Commission's legislated purpose is "to assist the provinces and the institutions in attaining a more efficient and effective utilization and allocation of resources in the field of higher education in the region". 661

There is also a system of community colleges in the province. These are educational services at the post-secondary non-university level. At the present time there are nine campuses located in various parts of the province which operate extension centres in several other communities. The regular programs at the community colleges are intended for students who are 18 years of age or over, who are seeking attainment of specific skills, or wish to improve their academic qualifications. 662

F. Right to fundamental education

There are a number of services available to encourage and provide fundamental education for persons who have not received or completed basic education. 663

Literacy councils exist throughout the province. These councils are community based and depend on public support. The literacy training is done usually on a one to one basis, with the member of the council going to the home of the individual. If a number of people are concentrated in one area, community classes are held. 664

The Department of Continuing Education has a division of Extension Services. This division is involved in extending the services of the Department into the community. Specialized support is provided in many areas but of particular interest for this report are the areas of: Correspondence Service, Night School Program and Second Language Training. 665

666 The correspondence service assists adults in completing their high school education, gaining entrance to Community College programs, meeting the prerequisites for admission to universities, increasing their chances for employment, improving their ability to maintain their present employment, and satisfying their personal educational needs.

667 The night school program provides valuable training alternatives for persons who are interested in bettering their way of life. Classes vary, and the subjects are generally those identified by the participants.

G. Development of a system of schools

668 By virtue of the Schools Act, section 67, all school property is vested in the Crown in right of the province. The Department of Education has a School Buildings Branch that is responsible for the architectural planning, design, construction and maintenance of all school buildings.

669 The Department has a defined planning guide which specifies what is required in each school. The guide insures that the quality of school buildings is uniform through the province. The building of schools is funded by the government out of capital funds and is not dependent on the local tax base. This insures that even a small community will have school facilities on a par with larger communities.

670 The province is divided into 33 school districts. Each district has a school board. The Schools Act, section 7, states that the Minister of Education, after consultation with the school board shall determine the sites of school buildings and may construct and furnish school buildings.

671 There are approximately 500 school buildings which include primary and secondary schools.

672 The Department of Education operates a film library service and a School Book Branch. The film service purchases films for distribution to schools on a free loan basis. Films are purchased after consultation with the appropriate educational consultants. The School Book Branch purchases prescribed educational materials and distributes these to the public schools in New Brunswick.

H. Establishment of an adequate fellowship system

673 The Student Aid Branch of the Department of Youth, Recreation and Cultural Resources, operates a Student Aid Program, the objectives of which are: to ensure financial assistance to New Brunswick residents who wish to pursue post-secondary education but lack sufficient resources; to minimize the indebtedness of New Brunswick post-secondary students; to ensure that students who may wish to attend a designated institute outside the province may do so with the same financial uniformity as students studying within the province.

674 Under the terms of the Canada Students Loans Program, interest-free loans are provided to eligible students to attend full-time studies at a designated post-secondary institution. While the program is federal, the Student Aid Branch of the Department is the designated issuing authority of the Province of New Brunswick.

In addition, in collaboration with the federal Department of the Secretary of State, a Travel Bursary Program is administered by the Student Aid Branch under which bursaries are granted to New Brunswick Francophone students to enable them to study in their language elsewhere in Canada. 675

I. Improvement of the material conditions of teaching staff

The Schools Act, section 10, provides for salary scales to be established and for regulations for the issuance of permits and licenses and the certification of teachers. Section 11 provides for a system of teacher education. Regulation 79-69 under the Schools Act, Teacher Certification Regulation, sets out the basics of teacher certification. The regulation also establishes an advisory committee for each university providing teacher education programs. 676

The teachers in the province belong to the New Brunswick Teachers' Federation. The Federation bargains on behalf of the teachers with regard to working conditions, salaries, holidays, paid leave, maternity leave, educational leave, etc. The bargaining is done centrally, for all teachers in the province, rather than on a school district basis. All teachers in the province are therefore paid on the same salary scale and have the same working conditions. 677

The Professional Development Branch of the Department of Education provides professional development services to teachers and public school administrators. Services and programs include provincial professional institutes and workshops, school district in-service co-ordination, publication of professional bulletins and newsletters, professional improvement grants to districts and teachers, teacher exchanges, consultating services to school districts and teachers and the co-ordination of professional development efforts of representative organizations on the Professional Development Board. 678

The Department of Education also has a Teacher Certification Branch which monitors teachers' training in New Brunswick. The Branch evaluates all teachers education programs at the universities to ascertain whether these programs meet the regulations and requirements of teacher education and teacher certification in the Province. The Branch also evaluates all academic and professional qualifications and work experience of a teacher before the issue of the Teacher's Certificate. 679

There is a Provincial Curriculum Advisory Committee which is composed of representatives from the teaching profession, school trustees, the home and school associations, universities and the teachers' union. This committee deals with policy as it relates to curriculum. 680

In general, the overall improvement of the material conditions of the teaching staff, depends on the funds available in central treasury. All aspects of education, the building of schools, the implementation of programs, and the scale of teachers' salaries, depend on the amount of money that can be allocated to education. Education has been considered a priority for some time so the level of services in the province is high. 681

J. Right to choice of school and

K. Liberty to establish and direct educational institutions

682 The Minister of Education is responsible for the administration of the Schools Act. Under the Act, every child must attend school in the school selected by the school board in that school district unless, in the opinion of the Minister, a child is under efficient instruction elsewhere (section 59(2)). The Act makes no provision for independent schools. Therefore, parents wishing to send their children to such schools must apply to the Minister of Education to do so. While such schools operate outside the authority and responsibility of the Minister, before agreeing to release a child, the Minister must be satisfied that the child would be under efficient instruction. Thus there is a need for communication with the independent schools on their programs. While the relationship between these schools and the Department is an evolving one, arrangements have been made for an annual application by the parents of children wishing to send their children to independent schools, as well as completion of an annual questionnaire on the school and its program and an annual visit to the school by a departmental official.

683 There are many issues to be addressed in the coming years. Certainly, some parents perceive that the Minister has approved the school(s) when he agrees to release their children from the legal obligation to attend a public school. The University of New Brunswick requires students seeking admission and who have not followed the New Brunswick curriculum to write an aptitude test. A fairly large number of children have returned to a public school. This poses problems of determining an appropriate grade placement when the curriculum that has been followed is organized differently from that which is followed in a public school.

684 The Schools Act makes provision for the establishment of French and English schools. The Regulation under the Schools Act, known as the Establishment of Minority Language School Boards Regulations, provides for the establishment of minority language schools. If, for example, the school district is English, the minority language when used in reference to that school district would be French (and vice versa). Thus, it is possible for children to be educated in either of the official languages of the province, that is, either English or French.

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

685 The principle of compulsory primary education, free of charge for all, has been implemented in New Brunswick.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

686 The Cultural Development Branch of the Department of Youth, Recreation and Cultural Resources promotes the development of the arts as a whole in the Province of New Brunswick. Cultural expression through the visual, literary and performing arts is expanding rapidly. The services available through the

Branch reflect the awareness of the characteristics and needs of the population, and an awareness of the cultural heritage.

(a) Funds are available for the promotion of cultural development through the Department. The information on the availability of funds is readily available through any of the regional offices of the Department. 687

(b) Description of various cultural programs

Visual arts

The Cultural Development Branch assists artists of the province as they prepare for exhibitions. Preproduction research for catalogues, contracts, installations and publicity is provided upon specific individual request. The Branch responds to the needs of individual artists for information on opportunities, materials, conservation and documentation. Assistance is available, in certain cases, to artists with solo exhibitions in provincial and national galleries. The Branch maintains an Art Bank, a collection of juried contemporary works by New Brunswick artists. 688

Equipment related to art installations such as display cases, metal frames, a slide editor and portable flood lights, is made available upon specific request. The Visual Arts sector serves communities, art galleries and artists through technical services and support. Financial assistance is given to beginning exhibitors, i.e., new galleries that have been established. 689

The performing arts

Theatre

The growth of professional theatre in the province is encouraged and financial support is given to the province's two professional companies, Theatre New Brunswick and Théâtre populaire d'Acadie. In addition, semi-professional operations in two of the major cities of the province receive support and encouragement. 690

In the area of amateur theatre, support is offered in the form of technical and creative workshops and small amounts of financial aid. 691

Well-established musical ensembles, theatre companies and dance troupes may request financial assistance to bring their performance before the public. 692

Music

The Branch supports Symphony Orchestras and String Quartets as well as a Youth Orchestra and it provides some support to community music camps, schools and festivals. 693

Support is given to the New Brunswick Choral Federation and Alliance Chorale. Twenty-five choirs became affiliated with the newly formed Choral Federation. A program of workshops and performance has been offered in various regions of the province. 694

Dance

695 Support is given to activities of established dance troupes. Increased activity in the area of ballet and a greater awareness of contemporary dance is developing as a result of more workshop activity being carried out by professional companies visiting the province.

Ethnocultural arts

696 Ethnocultural activities are supported in a variety of ways. For example, the New Brunswick Folk Arts Council received assistance to co-ordinate and manage a showcase of New Brunswick folk arts for the Canadian Heritage Festival in Saskatchewan. In addition, assistance was made available for festivals, performances, and lectures which brought to public attention the cultural heritage of the various ethnic groups of the province.

697 The Cultural Development Branch supports the activities of organizations for the appreciation, sharing, and understanding of life styles other than those of French or English origin. Assistance is available for festivals activities which bring to public attention the cultural heritage of the multicultural sector of the province's population.

698 Individual members of multicultural organizations wishing to study their ethnocultural heritage may apply to the Department for an award of up to $500 to assist in such studies.

699 The Province of New Brunswick is a participant in a number of formal and informal agreements both nationally and internationally for cultural exchanges. Formal agreements are in effect with France, Belgium, Germany, Mexico and the Province of Québec. Informal agreements are maintained with other governments, especially those of the Atlantic Provinces and the State of Maine in the United States.

Schools

700 The Cultural Development Branch provides subsidies to assist schools and community groups to offer workshops, lectures readings, and demonstrations in the various fields of the visual, literary and performing arts.

Travel assistance

701 Official provincial representatives of national arts organizations may apply for assistance with travel costs to attend national, international, or Atlantic regional meetings and other events held outside the province.

Craft school

702 In 1981 the New Brunswick Craft School in Fredericton moved to larger premises and the enrollment of part-time and full-time students alike has increased greatly. The working week has been increased to six days to allow people, who would not otherwise have the opportunity, to participate in Saturday courses. All courses offered are for credit and are therefore presented at professional levels.

In collaboration with the federal Department of Supply and Services and the New Brunswick Department of Commerce and Development, the Branch has funded a research project. The research will produce information on the feasability of the transition from handcraft to small production, and the needs of craftsmen desirous of taking this step. 703

Literary arts

Financial assistance is available to New Brunswick publishers to assist them in publishing books by New Brunswick authors. Grants are made annually to assist the operation expenses of each publishing house on the basis of the number and quality of books to be published in the coming year. 704

Arts awards

The arts awards program assists New Brunswickers to undertake advanced studies leading to a career in the arts. Eligible applicants are New Brunswick residents studying full-time in an arts discipline at an accredited university or state-supported school of the arts, advanced students who plan to supplement their training by taking short courses outside New Brunswick during the summer, and secondary school students who have shown exceptional talent and who have applied to study at a state-supported school of the arts while continuing their secondary school studies. 705

Cultural information and services at community level

The department maintains a network of regional offices where support services are available to assist local efforts to start new cultural activities within the region or its communities. 706

Cultural services offered by regional office staff include consultation, liaison with provincial and federal resources for the arts, and, on a limited basis, some funding to assist non-profit voluntary groups to undertake new projects and services for the benefit of their communities. 707

The Cultural Development Branch helps fund provincial arts federations to assist their members to improve the quality and expand the scope of their activities at the community level in the field of the visual, literary and performing arts. 708

Art schools

General assistance grants are available for two types of schools for the arts: those which offer on-going instruction on a regular basis for the development of pre-professional skills in the arts; and short-term camps or instruction sessions geared to the needs of non-professional students of the arts. 709

Music festivals

Music festivals are held annually in all regions of the province for the benefit of young amateur musicians. With the aid of Cultural Development grants the New Brunswick Federation of Music Festivals encourages the growth and participation of regional festival associations and conducts provincial finals at which regional winners may compete for awards and access to national finals. 710

Annual arts festivals

711 Many regions of the province hold festivals annually to celebrate traditional aspects of the cultural, socioeconomic, and artistic aspirations of that region. Funding is available to assist with such festivals.

Library services

712 Extensive library services are available throughout the province. The New Brunswick Library Service is responsible for the development and supervision of regional libraries, cataloguing and classification services, preparation of a computerized index of all works catalogued in all public libraries in the province, inter-library loan service, "talking-books" service, and updating of the New Brunswick Newspaper Catalogue on microfilm.

713 The province is divided into five regions which include forty-five public libraries and eight bookmobiles. The public libraries have over 1,100,000 titles. These collections include not only printed books, but also records, cassettes, microfilms, microfiches, talking-books, large-print books, kits and films.

Museums

714 The Department of Historical Resources has the specific mandate to participate in the acquisition, preservation and proper use of the heritage resources of the province through a variety of comprehensive programs. Historical Resources is responsible for the Provincial Archives, the Provincial Museum, the development and operation of historic settlements and parks, the preservation and restoration of historic buildings and artifacts, the co-ordination of museum policy for government operated and related institutions, the investigation of archaeological sites and materials, the publication of significant historical data, and the provision of technical and financial assistance to local historical societies and museums. Relevant laws are: the Municipal Heritage Preservation Act, R.S.N.B. 1973, c. M-21.1; and the Historic Sites Protection Act, R.S.N.B. 1973, c. H-6.

B. Right to enjoy the benefits of scientific progress and its applications

and

D. Steps taken for the conservation, the development and the diffusion of science and culture

715 The principal law under these two sectors is the Research and Productivity Council Act, R.S.N.B. 1973, c. R-8.

716 Scientific research is carried on at various levels in the Province of New Brunswick. The research, resulting in scientific progress greatly benefits all residents in the province.

Research Productivity Council

717 Of particular interest is the New Brunswick Research and Productivity Council. The Council is a body corporate founded in 1962 by an Act of the Government of

New Brunswick. The Council maintains a well-equipped centre for engineering and problem solving, industrial research and development, technoeconomic studies and production engineering.

In brief summary, some of the projects carried out by the Council include: analysis and testing requirements on asbestos in the working environment, concrete evaluation and the composition of processing fluids and the nature of ores for the recovery of metals. 718

The Council has been actively involved in the New Brunswick Gas Board and the medical gas program in provincial hospitals. The importance of the inspections was realized when, on several occasions, errors in construction and maintenance were discovered that could have led to tragic consequences. 719

The Council has been active in the occupational health and safety area doing analysis of various dusts and potentially toxic vapours in the industrial workplace and even homes. 720

Fisheries

The Department of Fisheries undertakes many research projects to assist fishermen in the province. As a result fishermen are able to obtain information on new fishing techniques, marketing and equipment. 721

Agriculture

The Department of Agriculture assists farmers in New Brunswick in many advisory and technical matters. Through advisory services farmers are informed of the latest developments which would improve the efficiency of resource utilization. 722

Environment

The Department of Environment has information programs as well as environmental education. For example, a series of general interest publications have been started aimed at providing detailed information on environmental issues of specific interest in New Brunswick. 723

Measures taken for the protection of the environment were described in Canada's report on Articles 10-12 of the Covenant. 724

Natural resources

The Department of Natural Resources has taken measures to ensure the application of scientific progress benefits to everyone by the production of a number of suitable aids for its educational and information activities. 725

General

The research and scientific progress of the various specific departments have the long-term result of helping all residents of the province. The specific programs actually tend to provide a better lifestyle for the general public. 726

E. Right to the freedom of scientific research and creative activity

727 Many research projects are carried out at universities in New Brunswick. One of particular interest is being carried out at the University of New Brunswick in the Bio-Engineering Institute.

728 The Bio-Engineering Institute is a facility, dedicated to research which is seen to have direct clinical application. Situated in a small university which does not have a medical school, and in a community in which there are few related facilities upon which to draw for assistance, the Institute must provide a complete infrastructure for its interdisciplinary research.

729 Established in 1965 to facilitate expansion of a research program in electronic control of artificial limbs (which had begun at University of New Brunswick in 1960), the Institute has achieved international recognition in biological signal processing and especially for development of multistate myoelectric control systems. All aspects of this work, from basic research through design and development to fabrication and clinical evaluation are carried out in the Institute. As well, since 1972 the Institute has played a major role in the development of regional clinical engineering services for New Brunswick hospitals.

730 The facilities of the Institute are available to and used by other departments for research and occasionally, for teaching.

Research of General Application

731 Most of the research carried out at the various universities in New Brunswick is open and public and the results are published and available in material published. Some of the research has direct and interesting applications to people. Other research, more basic or less relevant, does not obviously impact directly on society but might well be important in the future.

NOVA SCOTIA*

ARTICLE 13: RIGHT TO EDUCATION

In Nova Scotia, the Education Act, article 2, states that all schools are free and that every person, between the ages of 5 and 21, has the right to attend the school serving the section in which he or she resides. Regulation 7(c) of this Act gives school boards the responsibility for providing educational programs and services for the physically and mentally disabled. Regulation 8(2) requires school boards to make instruction and services available equitably, and Regulation 14.2(b)(21) includes the provision by boards of conveyance for pupils physically unable or mentally incapable of walking safely to school. This Act, and its accompanying regulations, seeks to ensure the participation of all in school educational activities. For those unable to attend school, correspondence courses are provided. 732

It should also be noted that Regulation 33 allows the Minister of Education to reimburse a school board for instructional and administrative expenditures incurred in providing programs for immigrants whose native language is not English, while regulations 37 and 38 allow separate devotional exercises to be held simultaneously with other classes. These regulations recognize and respect language and religious rights. 733

Worthy of note at this point is Bill 65, 1981, which further amends the Nova Scotia Education Act to clarify the definition and designation of Acadian (French) schools, to determine board responsibilities regarding these schools and the ratio of instruction in French to instruction in English, to authorize French language textbooks and related materials and, especially, to indicate that the principal language of administration and communication of Acadian schools with the communities they serve be French. This change will be effected whenever there are enough students "whose first language learned and still understood is French". 734

In addition to the Education Act and its Regulations, the Nova Scotia Department of Education has also created a Joint Human Rights and Education Committee, co-chaired by the Deputy Minister of Education and the Director of the province's Human Rights Commission, to advise the Minister regarding the educational needs of minorities, females and poor students. To implement accepted recommendations, the Department, in 1975, created an Ethnic Services section which is concerned with human rights, ethnic and cultural studies, multicultural and international education, all of which priorize self-respect, human dignity, respect for basic rights and freedoms, development of human rights education, promotion of acceptance and friendship among individuals, groups and nations of varying races, ethnic and cultural or religious groups, including furthering the interests of the United Nations. In April 1981, this Department's Co-ordinator of Ethnic Services served as one of the experts involved in Unesco, Paris, in preparing a Human Rights in Education Questionnaire used in 1982 to elicit relevant information from the member nations of the United Nations. 735

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* Report prepared by the Government of Nova Scotia.

Right to primary education

736 Education in Nova Scotia is compulsory and free for all, from ages 5 to 16. Special provisions are made, legally or by practice, for particular groups such as visible minorities, females, low income groups, the physically or mentally disabled, children of immigrants and of migrant workers, and children belonging to special linguistic, racial, religious or other minorities, including Micmacs, members of our indigenous population. Though Micmac Indians are primarily wards of the federal government which runs reserve schools, most Micmacs attend provincial schools and are more and more beginning to operate their own on-reserve schools, especially at the primary level, in consultation with Ethnic Services, which has a Joint Native Education Committee comprised of Indian representatives and Department of Education staff, and concerned with the educational needs and priorities of our indigenous population.

737 The only potentially problematic issue here might, in future, be article 74(f) of the Education Act, which exhorts teachers to "encourage in pupils, by precept and example, a respect for religion and the principles of Christian morality, for truth, justice, love of country, humanity, industry, temperance, and all other virtues". Atheists and non-Christians might soon question this article as somewhat discriminatory, though this has not yet occurred. Since the preamble of the new Canadian Charter of Rights and Freedoms indicates that "Canada is founded upon principles that recognize the supremacy of God and the rule of law", this article might not seem offensive to those more concerned with the other virtues it seeks to promote.

Right to secondary education

738 The Education Act provides for free and compulsory education for all between the ages of 5-16. From 16-21 students may attend free schools, but are not compelled to.

739 Special programs are offered for students with specific learning needs including the physically and mentally handicapped.

740 In the junior high school (grades 7-9) alternate programming is offered (regular and adjusted). In the senior high school a number of educational programs are available - university preparatory, high school leaving, business education and intermediate industrial.

741 Free vocational education is also offered to qualified students through the province's 14 vocational schools, either as a secondary or post-secondary program.

Right to higher education

742 The province operates three institutes - Nautical Institute, Land Survey Institute and Institute of Technology - which offer post-secondary training to qualified students at minimal fees.

743 Nova Scotia has 13 degree granting institutions which offer a wide range of under-graduate and graduate degrees. In addition, many of these institutions offer extension courses in those geographical areas not directly served by

universities. Experimental use of distance education is being piloted by a few institutions.

Financial assistance for higher education and for vocational and technical courses is provided through a federal-provincial student aid program, administered by the province. 744

Students are protected from discriminatory practices by human rights legislation. Also, in the spirit of this legislation, a special Transition Year Program at Dalhousie University offers an opportunity for a university education to Blacks and Native peoples as specially disadvantaged groups. 745

Several Nova Scotia universities have adopted a policy of free and open access to senior citizens. This program permits the older persons to take the course of their choice either for credit or non-credit. 746

Right to fundamental education

Adult literacy programs are sponsored through the provincial Department of Education's Adult Education Section, and are offered through local school boards in all areas of the province. Continuing education programs offered in all jurisdictions also provide an opportunity for adults to complete their formal education. 747

Development of a system of schools

The Education Act and the Regulations under the Act, provide guidelines for the development and operation of public schools, including reference to financing, construction and curricular offerings. 748

Establishment of an adequate fellowship system

Elementary and secondary education is provided free to all students between the ages of 5 and 21. Financial assistance is provided through the Black Student Incentive Fund to encourage these minority students to complete their secondary education. Scholarships are also offered, on merit, for university education. An Education Fund for Non-registered Micmacs was created in 1979 by the Department of Education to encourage their education. 749

At the post-secondary level a similar student incentive fund is available for Blacks. Also, as mentioned earlier, a Transition Year Program aims at assisting Black and Native youth make a successful transition from secondary school to university. 750

Canada Student Loans and Nova Scotia Government bursaries are available to all eligible post-secondary students. 751

Improvement of the material conditions of teaching staff

Under the Teachers Collective Bargaining Act (Chapter 32, Nova Scotia Acts of 1974), teachers have the right to collective bargaining. However, in 1982, the government's policy of fiscal restraint has placed limits on contract benefits. 752

753 Under existing collective agreements, teachers in Nova Scotia enjoy salary, benefits and working conditions which are considered as being very favourable. Section 76 of the Education Act provides job security after two years of satisfactory probationary service. However, section 76 also permits school boards to terminate contracts with individual teachers when the estimated enrollment, in courses the teacher is qualified and willing to teach, is insufficient to justify the employment of the teacher.

754 Under the collective agreement between the province and the Nova Scotia Teachers Union, teachers are to be represented on those standing and advisory committees of the Department of Education which directly affect the terms and conditions of employment of teachers.

755 Three major factors now limit the rate of improvement of the material conditions of teaching staff: recent fiscal restraint by the Government of Nova Scotia; the expectation of a continued decline in school enrollments; fiscal restraint has recently required the government to establish priorities which recognize the competing interests of other essential government activities.

Right to choice of school

756 Under existing laws, parents have the right to choose schools other than those established by provincial authorities, if the programs offered meet the requirements contained in the Education Act and its accompanying Regulations.

757 Religious freedom is guaranteed by law, and religious education can be offered either through denominational schools or through religious instruction provided in public schools, in addition to the required program of academic instruction.

758 The province also recognizes the right of its Acadian (Francophone) population to education in its mother tongue, and makes provision for the designation of Acadian schools which are eligible for additional funding to assist in underwriting the cost of two-track programs.

759 French immersion programs are also offered in some school districts, and these allow Anglophone parents to select education in Canada's other official language.

Liberty to establish and direct educational institutions

760 As indicated in a previous section, individuals or groups are free to establish and direct schools, as long as the program provided is equivalent to that which is offered in public schools.

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

761 Education is free and compulsory under the Education Act, article 2, and is available to all between the ages of 5 and 21. Education is also available, free of charge, to isolated and home bound students, through correspondence courses.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

(1) Principal laws, etc.

The principal laws dealing with the right to take part in cultural life are: the Recreation Act, S.N.S 1973, c. 14; the Art Gallery of Nova Scotia Act, S.N.S. 1975, c. 3; the Nova Scotia Museum Act, R.S.N.S. 1967, c. 211; the Amateur Sports Advisory Council Act, S.N.S. 1970-71, c. 11; the Libraries Act, R.S.N.S. 1967, c. 165; the Provincial Parks Act, R.S.N.S. 1967, c. 244; the Heritage Property Act, S.N.S. 1980, c. 8; and the Public Archives Act, R.S.N.S. 1967, c. 246. 762

It should also be mentioned that Nova Scotia has enacted the Human Rights Act, S.N.S. 1969, c. 11. Section 3 of this Act states, inter alia, that "Every individual and every class of individuals has the right to obtain admission to and enjoyment of accommodations, services and facilities customarily provided to members of the public". 763

(2) Practical measures for realization of this right, including:

(a) the availability of funds for the promotion of cultural development and popular participation in cultural life.

Under the Recreation Act, the Minister of Recreation "shall encourage, promote, establish, develop, coordinate and implement sport and recreational and cultural programs and services beneficial to the people of the province" - vide section 6. There is provision under the Act for "the granting of financial assistance to persons, communities, associations, agencies and groups, sport governing bodies and other organizations whether incorporated or unincorporated, and cities, towns and municipalities". 764

Under the Cultural Foundation Act, S.N.S. 1978, c. 5, the objects and purposes of the Foundation are to "solicit, raise, establish, maintain and administer funds to be used for the promotion, preservation, development and encouragement of the cultural affairs in the province". 765

(b) Institutional infrastructure established to promote popular participation in culture.

Under the Recreation Act, the Minister of Recreation for purposes of administration and enforcement of the Act, may inter alia: initiate, conduct and encourage programs and activities that provide for the orderly development of recreation, sport and cultural activities; promote the provision of additional facilities for recreation, sport and cultural activities; promote, operate and conduct or assist in the promotion and operation of training centres, workshops, seminars, leadership training courses, courses of instruction, conferences, exhibitions and related activities; and assist, co-operate with or enlist the aid of any person or group of persons interested in furthering the purposes of the Act. 766

767 Under the Art Gallery of Nova Scotia Act, the Gallery has been designated an agency of the province for the acquisition, preservation and exhibition of works of art. The Board of Directors of the Art Gallery has the power to: operate galleries, art museums or other institutions for the preservation and exhibition of works of arts; acquire paintings, pictures, sculptures and other objects of art and classify, store, study and exhibit them; and administer grants to art galleries, museums, organizations or individuals for promoting the purposes of the Act.

768 Under the Nova Scotia Museum Act, the Board of Governors has similar powers to operate museums and to administer grants to museums. The Board has also the power to acquire specimens, articles or materials relating to natural or applied science or human activities and to classify, store, study and exhibit them.

769 The Libraries Act promotes and encourages the extension of library service throughout the province. This is done by the establishment of regional libraries in agreement with cities, towns and municipalities. The Province, through the Minister of Education, makes a grant to each city, town or municipality that operates a regional public library.

770 The Nova Scotia Amateur Sports Advisory Council Act established an Advisory Council to assist the Minister of Culture, Recreation and Fitness with respect to the promotion, development and improvement of amateur sports. This is done through use of coaching clinics, training of officials, opportunities for competition, publicity and assistance to local sports organizations and financing of amateur sports including special assistance to amateur athletes.

771 There is emphasis on promotion of community involvement in amateur sports and on promotion of sports activities among young people particularly in rural areas and in areas where athletic facilities are inadequate.

772 Under the Provincial Parks Act, there is provision to set up provincial parks for: the pleasure, recreation and benefit of the public; the conservation, maintenance and protection of animal, bird and fish; and the preservation of geological, ethnological, historical or scientific objects. Money is appropriated by the legislature for these purposes.

773 The general management and control of public archives is vested in a Board of Trustees established under the Public Archives Act. Public archives include all documents, records, structures, erections, monuments, objects, materials, articles or things of historic, artistic or scientific value.

774 The Special Places Protection Act, S.N.S. 1980, c. 17, was enacted to provide for the preservation, regulation and study of archaeological and historical remains and palaeontological and ecological sites, and to foster an understanding and appreciation among the people, for the scientific, educational and cultural values represented by the above.

(c) Promotion of cultural identity as a factor of mutual appreciation among individuals and groups.

775 Reference has already been made above to the fact that under the Recreation Act the Minister of Recreation shall encourage, promote, establish, develop, coordinate and implement cultural programs and services beneficial to the people of the province.

The Multicultural Association of Nova Scotia was established in 1975. It is largely funded by grants from the provincial government. It is, however, an independent agency and is governed by a Board of Directors representative of the cultural communities of Nova Scotia. It has a broad mandate encompassing many facets, e.g., education, family traditions, cultural expressions and religious beliefs. The aim of the Association is to foster universal understanding of all people. 776

A major cultural policy conference, jointly sponsored by the Department of Culture, Recreation and Fitness and the Cultural Federation of Nova Scotia was held in Halifax, Nova Scotia, in March 1983, to review the province's multicultural growth in the years to come. 777

The Department of Culture, Recreation and Fitness recognizes a responsibility to assist in the preservation of the many cultures and traditions, prevalent in Nova Scotia, as part of the overall heritage of the province. The Department provides assistance to groups and individuals to increase the opportunities available to them to learn about the nature of their cultural heritage and to recognize the contributions of other multicultural groups to the quality of life in Nova Scotia. 778

(d) Promotion of the awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples.

To ensure the continued richness of multiculturalism, the Department of Culture, Recreation and Fitness recognizes its responsibility to assist the various groups within Nova Scotian society to retain and promote their distinctive identity and language, to develop their traditional arts and sciences, and to practise their customs without political or social impediment. The Department provides financial and professional support to the Multicultural Association of Nova Scotia and recognizes the Association as the organization representing the regional multicultural councils, ethnic organizations and the general interests of individuals working in the area of multiculturalism. In this context, it is important to review the activities of the Association. 779

The Association has several objectives. Its first objective is to raise greater awareness of multiculturalism in the province amongst all groups. It has attempted to attain this objective by the holding of several community multicultural workshops, through ethnic radio broadcasts, through television programming which profiles the different ethnic communities in Nova Scotia and through multicultural puppet theatre. Another of the Association's objectives is to record and publicize the cultural values made by the different ethnocultural groups. A book entitled "People of Nova Scotia" (volume 1) has been printed and is sold through bookstores, etc. The second volume is now under preparation. The Association also publishes a journal quarterly, titled "Share" with emphasis on multicultural events. The third objective of the Association is to promote the retention of cultural values of Nova Scotia's ethnocultural groups, by encouraging the formation of ethnocultural groups and by giving them organizational and financial assistance. 780

The Association provides basic services to constituent members through leadership workshops and the awarding of scholarships. It also assists in the settlement of new immigrants to the Province of Nova Scotia. 781

782 The Department of Education has produced films with historical themes relating to three of the important ethnic groups in Nova Scotia, namely Native Indians, Blacks and Acadians. These are available for viewing in the schools as well as by members of the public. They have been shown on television.

(e) Role of the media in promoting participation in cultural life.

783 There has been a television program series with half-hour profiles on four of the ethnic communities in Nova Scotia - Greek, Chinese, Ukrainian and Carribean. Reference has been made earlier to the films produced by the Department of Education on three other ethnic groups - Native Indians, Blacks and Acadians. Ethnic programs are also broadcast on many of the local radio stations.

784 Several of the newspapers published in the province regularly carry informative articles on the different ethnocultural groups resident in Nova Scotia. The newspapers also give prominent publicity to ethnocultural events.

785 The Nova Scotia Human Rights Commission and the Nova Scotia Department of Recreation publish regular newsletters with emphasis on multicultural news. The Human Rights Commission has also published a booklet titled "Black Pictorial" and a brochure titled "The Acadian Identity". These are available to the general public, free of charge.

786 Many of the cultural groups themselves publish regular newsletters which are freely circulated amongst non-members of the groups as well.

(f) Preservation and presentation of mankind's cultural heritage.

787 Reference has already been made to the fact that the Department of Culture recognizes its responsibility to assist in the preservation and presentation of the many cultures and traditions, prevalent in Nova Scotia, as part of the overall cultural heritage. In the preceding pages there has been extensive reference to the ways in which the Department fulfills this responsibility.

788 The Art Gallery of Nova Scotia Act, the Nova Scotia Museum Act, the Libraries Act, the Special Places Protection Act, and the Public Archives Act are examples of legislation enacted by the Province of Nova Scotia to preserve and present mankind's cultural heritage. Reference has already been made to the objectives of these enactments in the earlier paragraphs and will, therefore, not be repeated.

(g) Freedom of artistic creation and performance, and limitations imposed on that freedom.

789 The freedom of artistic creation falls under federal jurisdiction and will, therefore, not be dealt with here. It must, however, be pointed out that under the Theatres and Amusements Act, R.S.N.S. 1967, c. 304, the Nova Scotia Board of Censors has the power to permit, or to prohibit, the use or exhibition of any film or any performance in any theatre, or any amusement in a place of amusement. It must be emphasized that the Board of Censors is not intended to conflict with the fundamental freedom of artistic performance. It is a body set up under the legislation to review performances which may offend public morals and decide on the propriety of permitting or not permitting the performance.

(h) Professional education in the field of culture and art.

The Nova Scotia College of Art and Design located in Halifax is a degree-granting institution which provides professional courses for students of fine arts. Two universities, Dalhousie and Acadia, have schools of music where students may read for the B. Music and B. Music in Education degrees as well as higher degrees in the field of music. All the universities in Nova Scotia, i.e., Dalhousie, Acadia, St. Francis Xavier, St. Mary's and Mount Saint Vincent, offer credit courses dealing with the culture of the different ethnic groups for students reading for the baccalaureate degree in the field of humanities. 790

The Education Act, R.S.N.S. 1967, c. 81, makes provision for the teaching of fine arts courses both within the public school system as well as through extension courses for non-school going persons. Under the Recreation Act, the Minister of Recreation may promote, operate and conduct or assist in the promotion and operation of training centres, workshops, seminars, courses of instruction and related activities. 791

(i) Other measures.

In the preceding pages reference has been made to the measures taken mainly by governmental agencies or by non-governmental agencies which are funded by government. We must not, however, fail to note that the different ethnocultural groups resident in Nova Scotia, have on their initiative and often at their own expense taken meaningful measures for the conservation, development and diffusion of their cultures. Many volunteers from these different ethnic groups devote many hours to teaching various cultural activities, distinct to their cultures, such as music, dancing, culinary arts, martial arts, etc. 792

(3) Factors involved and difficulties encountered.

There are over 70 different ethnic groups living in Nova Scotia in a spirit of amity and goodwill. The Government of Nova Scotia is committed to a multicultural policy and recognizes the responsibility to assist in the preservation of the many cultures and traditions as a part of the overall heritage of the province. This is not an easy task and financial restraints place a great amount of hard work and responsibility on volunteers. 793

B. Right to enjoy the benefits of scientific progress and its applications

(1) Principal laws, etc.

Laws dealing with the right to enjoy the benefits of scientific progress and its applications include such acts as: the Health Act, R.S.N.S. 1967, c. 247; the Dental Act, R.S.N.S. 1967, c. 75; the Rural Electrification Act, R.S.N.S. 1967, c. 271; the Rural Telephone Act, R.S.N.S. 1967, c. 273; the Resources Development Board Act, S.N.S. 1970-71, c. 16; the Tidal Power Corporation Act, S.N.S. 1970-71, c. 21; the Environmental Protection Act, S.N.S. 1973, c. 6; the Cancer Treatment and Research Foundation Act, S.N.S. 1980, c. 2; and the Petroleum Resources Act, S.N.S. 1980, c. 12. 794

(2) Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures to promote a healthy and pure environment and information on the institutional infrastructures established for that purpose.

795 Information on protection of the environment was provided in Canada's report on articles 10 to 12 of the Covenant.

(3) Diffusion of information on scientific progress.

796 The preamble to the Freedom of Information Act, S.N.S. 1977, c. 10, enunciates that the people of the province should be protected from secrecy in respect of the conduct of public business. This Act provides to the people access to information in the hands of the government. In addition, every provincial governmental agency is required to submit an annual report to the legislature through the Minister responsible for the administration of the agency. These annual reports are public documents freely available to the general public. Through these annual reports there is a great deal of information on scientific progress disseminated to the public. Amongst the public agencies which issue such reports are the Department of the Environment, the Department of Health, the Department of Agriculture, the Cancer Treatment and Research Foundation, the Department of Development, the Commission on Drug Dependency, the Department of Fisheries, the Department of Mines and Energy, the Nova Scotia Museum, the Nova Scotia Resources Limited, and the Nova Scotia Research Foundation. In addition, most of these agencies operate an education and public information program including a general inquiries service.

797 There are five universities and several other institutions of higher learning located in Nova Scotia. Scientific research is carried out in all these institutions and research papers are published which are freely available to the general public. Information on scientific progress is also disseminated through scientific journals.

798 The mass media - newspapers, radio and television - has also contributed its share to the dissemination of scientific information. Freedom of opinion and expression is a much cherished fundamental freedom that is practised in Canada.

(4) Measures taken to prevent the use of scientific and technical progress for purposes contrary to the enjoyment of human rights.

799 The Freedom of Information Act attempts to provide to the people access to as much information in the hands of the government as possible "without disclosing personal information pertaining to persons or matters other than the person desiring the information". Personal information for this purpose is defined as "information respecting a person's identity, residence, dependents, marital status, employment, borrowing and repayment history, income, assets and liabilities, credit, worthiness, education, character, reputation, health, physical or personal characteristics or mode of living".

800 Euthanasia and abortion are criminal offences dealt with under the Criminal Code of Canada. There is provision, however, under regulations pursuant to the Health Act, for therapeutic abortions to be performed in hospitals in Nova Scotia.

C. Protection of moral and material interests of authors

This matter comes under federal jurisdiction and is covered by legislation dealing with copyright, trademarks and patents. 801

D. Steps taken for the conservation, the development and the diffusion of science and culture

Information on the conservation, the development and the diffusion of science and culture was provided above. 802

E. Right to the freedom of scientific research and creative activity

Under the Constitution Act, 1982, the Canadian Charter of Rights and Freedoms guarantees the following fundamental freedoms: freedom of conscience and religion; freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; freedom of peaceful assembly; and freedom of association. The Charter applies to the Province of Nova Scotia (and all other provinces) in respect of all matters within the authority of the legislature of each province. The Charter also guarantees every citizen of Canada the right to enter, remain in and leave Canada. 803

Under the Research Foundation Corporation Act, S.N.S. 1975, c. 15, the Nova Scotia Research Foundation has been established whose object is to promote, stimulate and encourage the effective utilization of science and technology by industry and government. The Foundation undertakes scientific and industrial research to achieve this objective. Scientific research is also carried out in the several universities and other institutions of higher learning. All these institutions enjoy academic freedom. 804

Professional associations and workers' unions are largely self-governed. The principal laws dealing with this are: the Medical Act, S.N.S. 1969, c. 5; the Engineering Profession Act, R.S.N.S. 1967, c. 90; the Medical Radiation Technologists Act, R.S.N.S. 1967, c. 180; the Occupational Therapists Act, S.N.S. 1970, c. 11; the Optometry Act, R.S.N.S. 1967, c. 218; the Pharmacy Act, R.S.N.S. 1967, c. 229; the Physiotherapy Act, R.S.N.S. 1967, c. 233; the Professional Dietitians Act, S.N.S. 1973, c. 11; the Psychologists Act, S.N.S. 1980, c. 14; the Registered Nurses Association Act, R.S.N.S. 1967, c. 264; the Chiropractic Act, S.N.S. 1972, c. 5; the Dental Act, R.S.N.S. 1967, c. 75; and the Trade Union Act, R.S.N.S. 1967, c. 311. 805

F. International co-operation in the scientific and cultural fields

This matter falls under federal jurisdiction. The federal government works in close consultation with the provinces in this regard. 806

ONTARIO*

ARTICLE 13: THE RIGHT TO EDUCATION

A. Principal laws

(1) Constitutional provisions

807 Responsibility for educational services in Ontario is controlled by the division of legislative powers that is a central feature of government in Canada.

808 There are several sections of the Canadian Charter of Rights and Freedoms which apply to the provision of educational services. The general equality provision is section 15, subsection 1 of which provides that "every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability". This section is then modified by other sections which affect the provision of educational services. Section 15(2) permits any affirmative action program, the goal of which is "the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability". Section 23 guarantees to English and French speaking Canadian citizens minority language educational rights and section 29 provides alternatives for the preservation of the rights or privileges of denominational, separate or dissentient schools.

(2) Ordinary legislation

809 The Education Act, R.S.O. 1980, c. 129, provides a comprehensive scheme for universal access to education in Ontario including the continuation of a separate school division. Section 20(1) makes school attendance compulsory for every child between the ages of 6 and 16. Section 32 extends the right to education to every person between the ages of 6 years and 21 years.

Minister of Education

810 The Minister of Education determines the general direction for education and policy in the schools of the province. The Minister is assisted in this task by advice from citizens and associations interested in education and the professional educators on the staff of the Ministry of Education.

811 The Minister is responsible for setting overall educational policy, for providing curriculum guidelines and establishing approved textbook lists. The Minister also sets requirements for both teachers' and students' certificates, and distributes provincial funds to schools boards to cover the operating costs of schools. Schools are operated on a local level, through locally elected school boards. School boards must operate within the framework of legislation and policy established at the provincial level. The board is responsible for the financial and administrative management of the schools within its district. Local taxes meet expenditures in excess of provincial grant amounts. Teachers

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* Report prepared by the Government of Ontario.

and administrative staff are employed by the school board. At the local level the board's day to day functions are carried out through directors of education and supervisors. Through this local administration, education is made more responsive to local needs and problems.

The management and organization of individual schools is the responsibility of the principal. The principal is directly answerable to the schoolboard for the quality of instruction, for the supervision of teachers, for making recommendations to the Board about staff appointments, promotions or demotions, and for discipline and the maintenance of the school facilities. In larger schools, the principal may be assisted by a vice principal and at times department heads may be appointed to ensure that teachers and courses are effectively supervised when there is a highly specialized department within a school. 812

B. Full realization of the right to education, etc.

The chief measure taken to promote the full realization of the items listed is the development and implementation of curriculum guidelines which must be followed by all publicly supported schools. Also, a booklet entitled "Race, Religion and Culture in Ontario School Materials" has been produced and forms the basis for approving textbooks and other learning materials. 813

Under the Education Act and its regulations, teachers are responsible for: teaching "diligently and faithfully" the classes or subjects assigned to them by the principal; encouraging pupils in the pursuit of learning; inculcating by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues; maintaining classroom discipline; preparing teaching plans and courses of study for classes; supervising the pupils placed in their charge. 814

A program instituted by the Ontario Ministry of Education in co-operation with the "ministères de l'Éducation et des Affaires intergouvernementales du Québec" is the Ontario-Québec Class Twinning Program. It provides young people with a chance to exchange ideas and information, and, as a result, to get to know one another better. Participation in this program allows young people to learn about another region and the people who live there and to foster the development of close friendships between students of different communities. 815

C. Right to primary education

Sections 17 to 30 of the Education Act make school attendance compulsory for persons aged 6 to 16. Section 8(2) guarantees education for all exceptional children, who are defined in section 1(1)21). 816

Young girls - The provisions cited above apply to all persons irrespective of sex. Therefore, no special provisions are required. 817

Children of low income groups - Section 31(1) of the Education Act provides that: a person has the right, without payment of a fee, to attend a school in a school section, separate school zone or secondary school district, as the case may be, in which he is qualified to be a resident pupil. Section 31(2) of the Education Act then provides that: notwithstanding the other provisions of this Act, where it appears to a board that a person who resides in the area of 818

jurisdiction of the board is denied the right to attend school without the payment of a fee, the board, at its discretion, may admit the person from year to year without the payment of a fee.

819 Children in rural areas - Section 20(2)c) of the Education Act requires boards of education to provide transportation for students living further than the prescribed distances from school.

820 Physically or mentally disabled children - Section 72(1) of the Education Act provides that every board shall provide adequate accommodation for the trainable retarded pupils and shall establish and maintain a school or class for such pupils in which special education programs and services shall be provided. The most recent statistics show that in Ontario, in 1981, there were 201 schools for the trainably retarded operated by 68 school boards with 935 full time teachers and 7,107 students. With respect to blind and deaf students the Ontario government spent $30.8 million operating 4 institutions with 273 full time teachers and 1,063 students. The new special education provisions passed two years ago require that wherever possible handicapped students should be mainstreamed into regular classes, and school boards are required to make necessary changes to accommodate this.

821 Religious minorities - Section 50(1) of the Education Act says that "a pupil shall be allowed to receive such religious instruction as his parent or guardian desires or, where the pupil is an adult, as he desires". Section 50(2) provides that: "No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian, or by the pupil, where he is an adult". In addition, the Education Act provides for a system of separate schools for Roman Catholics and in 1981, 58 school boards operated 1,354 separate schools with 17,560 full time teachers and 425,706 students.

French language education

822 The most recent statistics show the large numbers of Ontarians taking advantage of the various French programmes offered in Ontario schools. In 1981, 712,718 English-speaking elementary school pupils were enrolled in French classes in Ontario, the figure including only those students taking 20 minutes or more of French per day. The number of public school students in Ontario in 1981 enrolled in French as a second language was 876,447.

823 A recently expanded teacher-training programme and the provision, on a regular basis, of new learning materials and curriculum guidelines in French are greatly enhancing the quality of French- language instruction in the province.

824 In recent developments, the Ontario government, consistent with its commitment to French-language education, has recently stated that it believes it is necessary to take additional legislative measures with respect to French in Ontario schools.

825 The Government intends to recognize the right of every French-speaking pupil to an education in the French language. The proposed legislation will remove the condition "where numbers warrant" in the provision of education for minority language pupils in Ontario. School boards will be responsible for providing the required programs and for ensuring that such pupils have adequate access to the

French-language schools or classes which they have the right to attend. These rights will also apply to English-speaking pupils in a minority language situation.

D. Secondary education

In Ontario, in 1981, there were 643 secondary schools with 33,182 full time teachers and 568,635 students. 826

Section 42(1) of the Education Act provides that where a pupil has been promoted from elementary school, he shall be admitted to secondary school. Section 42(2) provides that a pupil who has not been promoted from elementary school can be admitted to a secondary school "if the principal of the secondary school has satisfied himself that the applicant is competent to undertake the work of the school". 827

Free secondary education is available to all resident pupils. However, section 39(6) of the Education Act gives the option to a board to charge a fee if the pupil has attended one or more secondary schools for a total of seven or more years. 828

E. Right to higher education

Higher education in Ontario is composed of a variety of post-secondary and continuing education programs. Among others, this includes colleges of applied arts and technology, universities and technical and vocational institutes. 829

Universities

In 1980, there were 21 universities and colleges with 12,827 full time teachers and 154,604 full-time students. In addition to these full-time students, there were 84,500 part-time students for a grand total of 239,104 students. Total expenditures for colleges and universities in 1980 amounted to $3,948,500,000. 830

In 1980, at the university level, there were 36,233 Bachelors and first professional degrees awarded. There were also 6,042 masters degrees and 836 doctorates awarded in the same period. 831

Colleges of Applied Arts and Technology

In 1982 there were 22 such colleges with a full time enrolment of 79,242 and in 1981 there were 22,850 graduates. 832

E.2 Financial assistance to students for higher education

Generally, students at institutions of higher education pay tuition fees. However, provincial grants offset a large percentage of the total cost of higher education per student. 833

In addition, there are several assistance programmes to ease the financial burden. The Ontario Student Assistance Programme makes available financial assistance in the form of grants, loans, bursaries, fellowships and scholarships and is available to eligible Ontario students attending college or university. Much of this assistance is provided solely on the basis of personal financial 834

need; however, certain awards are designed to reward academic excellence, and others are designed to encourage study in particular fields.

835 Funding is provided mainly through the provincial and federal governments. The programme consists of four plans: the Ontario Study Grant Plan; the Canada Student Loans Plan; the Ontario Student Assistance Plan (O.S.A.P.); the Ontario Special Bursary Plan. The four plans provide assistance according to the financial needs of individual students. They are intended to supplement - not to replace - the financial contribution of the students and their immediate families.

836 In 1981, the last year for which statistics are available, 78,991 students received some form of financial assistance. Grants totalling $81 million, Canada Student Loans worth $83.4 million and OSAP loans worth $21.9 million were awarded. It is expected that for 1983-84 loan funding will be increased by $9.6 million to $114.9 million. OSAP now assists approximately 90,000 students annually.

837 Ontario Graduate Scholarships are awarded to eligible graduate students, both Canadian and foreign, and, in 1981, 1,179 students were awarded a total of $6.5 million.

F. Adult education

838 In Ontario, this can take several forms. One is adult training at colleges of applied arts and technology and in 1981, 20,365 adults trained full-time, 2,510 part-time, 3,553 trained in business and industry and 15,372 trained in a management development program.

839 There is also a comprehensive system of correspondence education which was started by the Ministry of Education in 1926 with fewer than 50 students enrolled. In 1982, more than 75,000 students participated with an average of 200 new applications per day.

840 In January 1983, the Ministry published a new correspondence course catalogue offering more than 150 secondary school courses at several levels of difficulty, in English and French, as well as elementary programs.

841 Correspondence courses are available free of charge to residents of Ontario who are past the compulsory school age and are not enrolled in day school courses. The courses may be started at any time of year and applicants must be Canadian citizens or landed immigrants.

842 Correspondence education engages the services of almost 800 teachers who live in all parts of Ontario. During 1982, correspondence teachers marked 516,845 assignments. In 1982, more than 1,000 Ontario students abroad in 82 countries studied by correspondence.

G. Development of a system of schools

Financial measures

843 In 1980, local taxation accounted for 46.1% of the $4.5 billion total revenue for Ontario school boards. Provincial government grants accounted for the other

major portion with 50.2% of the total. Elementary schools accounted for 58.8% of the total expenditure (which corresponds to the total revenue), while secondary schools were responsible for the remaining 41.2%. The overall total for education expenditures increased to $6.849 billion when the figures for post-secondary level, community colleges, universities and colleges are included.

The Ontario Institute for Studies in Education (OISE)

The Ontario Institute for Studies in Education has three main functions: to conduct programs of graduate study in education; to undertake research in education; and to assist in the implementation of the findings of educational studies. 844

Approximately 65% of OISE's revenue is provided by Province of Ontario grants, through the Ministries of Colleges and Universities and Education. 845

The recently completed year was the Institute's sixteenth and was marked by the continuation of the Graduate Studies Program which has become the largest and best know graduate program in education in Canada. During the past 16 years, more than 8,500 OISE graduates have received degrees awarded by the University of Toronto. 846

In addition, the Conference Office of OISE administered 29 conferences/workshops of which two were international in scope. 847

H. Establishment of an adequate fellowship system

In general, universities in Ontario employ a fellowship model as an integral part of their operating styles. There is no legislative structure of laws or regulations involved. 848

I. Improvement of the material conditions of teaching staff

Teachers in all parts of the system have full collective bargaining rights. The Ministries of Education and Colleges and Universities consult extensively with the various groups representing teachers in the development of any new policy which will affect teachers. 849

J. Right to choice of schools

Parents have the right to have their children educated elsewhere than in the public system (section 20(2)a) of the Education Act). However, public funding is not available to cover the cost of such an alternative choice. 850

The right of parents to ensure the religious and moral education of their children in conformity with their own convictions

As discussed previously, parents have the right to send their children to separate schools or to private schools. In Ontario, the separate school option has been exercised principally by Roman Catholics and part IV of the Education Act is devoted to Roman Catholic separate schools. Section 20(6) of the Education Act provides that the compulsory attendance provisions "shall not require the child of a Roman Catholic separate school supporter to attend a public school or require the child of a public school supporter to attend a Roman Catholic 851

separate school". Section 49 of the Education Act provides that supporters of Roman Catholic separate schools are exempt from the provisions authorizing the levying or collecting of taxes on property rateable for public school purposes. In 1981, the enrolment in Roman Catholic separate schools in Ontario was 425,706, an increase of 0.5% over the previous year.

852 With respect to private schools, section 15 of the Education Act spells out the basis on which schools may be operated. It should be noted that the Minister does not have the authority to refuse permission for a private school to operate. In 1981 in Ontario the expenditure for private schools was $139.6 million on a total enrolment of 74,292 students. The Ministry exercises indirect control over the program in that a child could be compelled to attend a public or separate school if private school instruction is not satisfactory. As well a private school must be inspected if it is to grant provincial diplomas.

853 The area of religious instruction is covered by section 50 of the Education Act. Subsection 1 provides that "a pupil shall be allowed to receive such religious instruction as his parent or guardian desires or, where the pupil is an adult, as he desires". Subsection 2 provides that: "No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian or by the pupil, where he is an adult".

Linguistic minorities

854 Minority language education rights are protected by section 23 of the Canadian Charter of Rights and Freedoms, subsection 1 of which guarantees Canadian citizens the right to have their children receive primary and secondary school instruction in the language in which the parents were educated. Subsection 2 provides that where Canadian citizens have had one child educated in English or French, remaining children have the right to be educated in the same language. Subsection 3 provides that the right of Canadian citizens to have their children receive primary and secondary school education in the language of the English or French linguistic minority "applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction".

Heritage language education

855 This program was introduced in 1977 and covers languages other than French and English. In 1979-80, 51 school boards conducted a total of 3,232 classes covering 76,017 pupils in the teaching of 44 languages.

ARTICLE 14: THE PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

856 Article 14 of the Covenant is not applicable to Ontario since compulsory and free primary education has already been established and implemented. In 1980, there were a total of 5,208 elementary and secondary institutions with 96,280 full-time teachers and total full-time enrolment of 1,942,348 students. Total expenditures for this section of the education area amounted to $4.929 billion.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTEREST OF AUTHORS

A. Right to take part in cultural life

1. Principal laws, etc.

The mandate of the Ontario Ministry of Citizenship and Culture encompasses responsibilities for arts and culture, heritage, citizenship and multiculturalism. The specific mandate of the Ministry is: to encourage full, equal and responsible citizenship among the residents of Ontario; recognizing the pluralistic nature of Ontario society, to stress the full participation of all Ontarians as equal members of the community, encouraging the sharing of cultural heritage while affirming those elements held in common by all residents; to ensure the creative and participatory nature of cultural life in Ontario by assisting in the stimulation of cultural expression and cultural preservation; to foster the development of individual and community excellence, enabling Ontarians to better define the richness of their diversity and the shared vision of their community. 857

Legislation administered by the Ministry includes: Archives Act, R.S.O. 1980, c. 27; Art Gallery of Ontario Act, R.S.O. 1980, c. 28; Arts Council Act, R.S.O. 1980, c. 30; Centennial Centre of Science and Technology Act, R.S.O. 1980, c. 60; Foreign Cultural Objects Immunity from Seizure Act, R.S.O. 1980, c. 172; George R. Gardiner Museum of Ceramic Art Act, 1981; John Graves Simcoes Memorial Foundation Act, 1965; McMichael Canadian Collection Act, R.S.O. 1980, c. 259; Ontario Educational Communications Authority Act, R.S.O. 1980, c. 331; Ontario Heritage Act, R.S.O. 1980, c. 337; Public Libraries Act, R.S.O. 1980, c. 414; Royal Botanical Gardens Act, 1941; Royal Ontario Museum Act, R.S.O. 1980, c. 458. 858

2. Practical measures for realization of this right, including:

(a) Information on the availability of funds and public support for private initiative.

The Ministry Guidelines for Cultural Policy Development describe the policy framework on which programs are based. 859

All provincial cultural agencies - the Art Gallery of Ontario, the Royal Ontario Museum, the Ontario Science Centre, the TVO Television network, etc., have public education, extension/outreach and similar programs to assist promotion and popular participation. Ministry programs are developed to consider all people of the province, e.g., Wintario grants, Festival Ontario, local gallery support. Per capita grants were paid in 1982/83 to local municipal library boards of $2.15 in southern Ontario and $2.20 in northern Ontario. In addition to a per capita grant to the 15 county library boards each received $25,000. Indian band libraries received $2.15 per capita in southern Ontario and $2.20 per capita in northern Ontario. The total Ministry budget for arts, heritage and libraries programs, in 1982/83, was $114,100,900. 860

The multicultural policy framework of the province, announced in 1977, has as its basic components: the equality of all members of society, whatever their 861

heritage, in terms of enjoyment of rights and fulfillment of obligations; the freedom of access to public services and facilities for participation in recreation and social intercourse; the right of individuals and groups to maintain and develop their ethnocultural heritage.

862 The third element of the Ontario government's multicultural policy stems from the recognition of the basic fact that individuals and groups possess distinctive cultural heritages. Such cultural values enrich and improve the quality of life of Ontario society when they are shared with the broader community.

863 The multicultural and citizenship programs of the Ministry have a variety of funding mechanisms and had in 1982-1983 an annual budget of almost $10 million. For example, the intercultural grants program promotes intercultural sharing among the diverse communities in the province. The Wintario Citizenship Grant Program complements the support provided by the existing tax-based programs of the Division by supporting specific one-time-only projects. Both Wintario and the Ministry's base grant programs contribute to the growth of an Ontario society that is unique and reflective of the multicultural nature of the province. They demonstrate the extent of public support for private initiative in the promotion of cultural development in Ontario.

(b) Institutional infrastructure established for the implementation of policies to promote popular participation in culture.

864 The Ministry of Citizenship and Culture has provided financial assistance for the establishment and ongoing operations of multicultural centres throughout Ontario. These centres facilitate popular participation in cultural activities and they provide a wide variety of programs and services to the communities they serve. Some of them have libraries, theatres and film shows. Their activities include festivals and cultural sharing projects.

865 The Ontario Arts Council, an independent agency of the Ministry of Citizenship and Culture, funds the Multicultural Theatre Association and local folk arts councils throughout the province. Though by no means confined to ethnic groups these organizations have proved of great value in promoting understanding and appreciation of other nations' theatrical heritages.

866 The Ontario Arts Council grants program, under Wintario, also assists non-profit community groups in utilizing print media to promote their local history or achievements to reach new audiences.

867 The Ontario Science Centre staff has members fluent in more than 30 languages, contributing significantly to the success of multicultural displays and demonstrations.

868 The Royal Ontario Museum has developed programs involving local ethnocultural communities on a continuing and long-term basis. A good example is the exhibit entitled "In the Presence of the Dragon Throne" planned in co-operation with four members of the Chinese community. It lasted from April to July, 1977 and included traditional Chinese presentations from operas to the martial arts.

869 The Art Gallery of Ontario provides an array of activities and services to many minority groups so that all people may benefit equally from the advantages the Gallery has to offer. It maintains an extensive mailing list to serve the

ethnic press and, in cases where its programming applies to a specific group, there is a concentrated effort to inform that area of the public; for example, advertising in Italian newspapers for an Italian film series.

(c) Promotion of cultural identity as a factor of mutual appreciation among individuals and groups.

The Ontario government's multicultural policy has as one of its major thrusts the principle of cultural retention and sharing by all groups which make up Ontario's population. In support of this policy, the government has made available to the general public funding programs for activities concerned with cultural retention and sharing. 870

In addition, through the Citizenship Development Branch of the Ministry of Citizenship and Culture, programs are developed which aim at promotion of intercultural sharing by all constituent groups in Ontario. The staff of the Branch develop programs which promote cultural understanding through the medium of poetry and music and the bringing together of artists and the public from all groups in the province. 871

(d) Promotion of the awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples.

(i) Heritage language programs

This program was introduced in 1977 and covers languages other than English or French, the official languages of Canada. 872

In 1979-80, 51 school boards conducted a total of 3,232 classes encompassing 76,017 students in the teaching of 44 languages. The Ministry of Education supports heritage languages classes because it recognizes that all students can benefit from the opportunity to learn another language or to function more effectively in the language of their home or heritage. The Ministry of Education believes that, in the multicultural setting of this province, it is particularly important that students be given opportunities to maintain and develop the ability to read, write and speak heritage languages. Such opportunities will: enhance the students' concept of themselves and their heritage and improve communication with parents and grandparents; prepare students to use heritage languages in the Canadian context; allow students to use skills and concepts they already possess; provide experience in learning that may prove a valuable basis for credit courses at the high school level; encourage all students to develop new language skills that will help them to function more effectively in Canada's multicultural environment as well as in the international community. 873

(ii) Native education

Section 91(24) of the Constitution Act, 1867 assigns jurisdiction over Indians and land reserved for Indians to the federal government and involves the federal government in the provision of education to Indians in the province. In 1982 there were 7,407 registered Indians in Federal and Band operated schools in Ontario. However, the Ontario Ministry of Education has developed a very extensive program entitled People of Native Ancestry for Primary, Junior, 874

Intermediate and Senior Divisions. The objectives of the program are many: understand and appreciate the complexity of some of the current issues affecting the Native peoples of Canada; understand and appreciate the aims and aspirations of Canada's Native peoples; appreciate the heritage and cultures of the original Canadian peoples; develop respect in the multicultural societies for other cultures; develop an awareness of the distinctiveness of the traditional and contemporary cultures of the aboriginal peoples of the world; understand and appreciate ways in which Native and non-Native skills, traditions, influences, and values can become mutually enriching; develop an understanding of the differences and similarities among Native communities and cultures in Canada; develop an awareness of the concerns and difficulties that Native peoples of different cultures and backgrounds encounter in various environments in Canada and elsewhere; learn about the artistic forms of Canada's Native peoples; learn about the major contributions that Native peoples have made to the Canadian heritage.

(iii) Multiculturalism

875 The Ministry of Citizenship and Culture funds and assists the holding of community festivals and events which aim at promoting awareness and enjoyment of the cultural heritage of the diverse ethnic groups comprising Ontario's population. These activities organized by ethnocultural groups and organizations also receive support from other ministry agencies such as the Ontario Arts Council which provides services and financial assistance to artists and arts organizations engaged in the production, performance and exhibition of the arts in communities and regions throughout the province.

(iv) Support to Native people

876 The Native Community Branch of the Ministry of Citizenship and Culture has as one of its main objectives the support of Native heritage preservation and cultural continuity. The province has a grants program aimed at supporting projects which emphasize the development of Native leadership and culture. The staff of the Branch work with Native groups throughout the province in activities which aim at promoting an awareness and enjoyment of the cultural heritage of the indigenous sector of the population.

877 The Native Community Branch is a consultative agency which works with Native communities and organizations. The branch's goal is to assist those communities and organizations in their efforts to encourage Native self reliance and participation in the life of the province.

878 The objectives of the Native Community Branch are: to support Native heritage preservation and cultural continuity; to promote the development of human resources and leadership in the Native community; to assist Native communities in socioeconomic development; and to facilitate direct Native access to government services and resources.

879 The branch's role flows from its historical development and from the Ministry of Culture and Recreation Act. The Ministry of Culture and Recreation Act, section 8(a) states that the minister shall ... "in the cause of human betterment, advance and encourage the concept of full and equal citizenship ..." Further, section 6(1) of the Act states that the ministry is to advance and encourage responsible citizenship, including the preserving of the cultural heritage of Ontario residents, with full recognition of their diverse traditions and

backgrounds. Native people are therefore being offered assistance, because for a variety of historical reasons, full and equal citizenship with other residents of Ontario has not been achieved to date. Programs of the branch include consultative assistance, research and information, publications, policy advisory services, and grants.

Consultative assistance to Native communities

Help through consultation is provided to Métis communities, Friendship Centres, the Native Women's Association, Indian Bands, Native cultural and communications groups and other local Native groups by the branch's Community Resource Officers throughout Ontario. Consultation services include: assisting Native communities in identifying local problems and in developing appropriate projects or programs; advising Native communities and organizations of services or programs which could help their development and assisting them in securing resources necessary to conduct community development projects; linking up Native communities and organizations with the appropriate provincial ministries and agencies, and obtaining the services of specialists available from these ministries when required; providing assistance to Native leaders on the preparation and submission of proposals to government, and advising how to evaluate existing and new projects. 880

Research and information

The branch is currently developing a vertical file system on Native people. Research studies and information are being gathered and organized in the areas of demographic data, social and economic conditions, Native organizations and communities, experimental or pilot projects throughout Canada, other provincial policies and programs for Native people, and Native position papers. The major objectives of this research are: to provide provincial ministries and agencies with specific and accurate information regarding Ontario's Native people; to make available to Native organizations and communities information and research that may be valuable to them; to improve the branch's own information base for planning its future activities and setting priorities. 881

Publications

Branch publications are being developed to promote a better knowledge of Native people and their organizations throughout Ontario. These publications are: Provincial and Regional Native Organizations in Ontario; Directory of Native Communities and Organizations; Métis and Non-Status Indians of Ontario: Community Profile and Demographic Study; and Fact Sheets on Ontario's Native People. 882

Policy advisory service

The branch, because of its unique field presence and its close working relationship with Native organizations, provides information and consultation to provincial ministries and agencies on policies or programs related to Native people. Policy analysis and advice are provided through the ministry's participation on the Cabinet Committee on Native Affairs and through participation in interministry committees or working groups addressing specific issues. While the policy analysis and development role is important, the branch also aims at facilitating direct communication between Native organizations and the relevant provincial ministries in the resolution of policy or program issues. 883

Native community grants

884 The branch has a transfer payment program designed to assist Native communities and organizations in meeting priorities and objectives as identified by them. Projects must promote the branch's goals and meet the grant conditions and criteria. The grant program provides assistance to a wide variety of project areas.

Provincial organizations support

885 Financial assistance is provided to a limited number of provincial Native organizations to cover their basic administrative costs. Eligible organizations must be provincial Native organizations with a demonstrated membership throughout the province and their mandate must concur with the objectives and priorities of the Native Community Branch.

Small business development

886 Limited financial support is available to support Native organizations and communities in the development of viable business enterprises. Priority is given to feasibility studies and studies of the economic potential of communities. Funding is also available for initial start-up costs of small Native businesses. Contributions from the applicant are a condition of the grant.

Social development

887 Projects which are undertaken by Native people to address particular social problems may be considered for support. Priority is given to special innovative or pilot projects, and they will be approved only after consultation with the line ministry responsible. Funding will be considered in exceptional cases for social programs which are not supported by relevant line ministries.

Leadership training

888 Funds are available to Native communities and organizations concerned with the development of leadership potential among Native people. Support will also be provided for projects providing skill training to Native people. Examples of eligible projects include staff training sessions, leadership training seminars, educational programs and employment projects providing skill training and development.

Research

889 Projects undertaken by Native people dealing with areas of original research will be considered for support. Priority will be given to demographic research and community needs documentation. Consideration will also be given to Native organizations working to undertake detailed research designs.

Communications

890 Native initiated projects on media, ranging from radio, VTR and television to printed and visual materials will be considered. Projects should support community and leadership development through improved communications within the Native community, and through general public education.

Native heritage

Projects of an innovative nature that support community and leadership development through cultural activities will be considered. Eligible projects include heritage preservation, crafts and intercultural understanding, the visual and performing arts, and language conservation. 891

Meetings

Funds are available for Native groups to gather and discuss issues of common concern. Priority is given to meetings of Native groups at the regional and local level. Eligible projects range from internal Native organizational meetings and meetings between Native groups and the provincial government to special meetings around specific issues. 892

(e) Role of the media in promoting participation in cultural life.

The Ministry of Citizenship and Culture supports two communications agencies which contribute to participation in cultural life: TVOntario, an educational television network serving the province; CJRT-FM, a non-profit radio station. The Ministry maintains close links with the Canadian Broadcasting Corporation's Arts News. 893

TVOntario

TVOntario is funded mainly (79.7%) through Ontario government grants from the two Ontario ministries of Citizenship and Culture and Education. 894

One of the many highlights of the 1981-82 activities of TVOntario was the renewal of its broadcast licence for the maximum allowable period of five years by the Canadian Radio Television and Telecommunications Commission (CRTC), coupled with extensive praise for the high quality of TVOntario's work. The CRTC noted TVOntario has produced "a substantial amount of high-quality programming designed for school use, preschool-age children, and teacher/special education programs". The Commission also noted the high level (around 60%) of Canadian content scheduled in prime-time viewing hours, as well as throughout its broadcast day. The excellence of TVOntario's work was further recognized by the international broadcasting community. TVOntario entered 20 international festivals and won 15 awards. 895

TVOntario also took significant steps to extend its service throughout Ontario. At the end of 1981-82, 88% of Ontario's population had access to its broadcast service. With the addition of three new transmitters, TVOntario will be available to 93% of Ontario's population. 896

Further success was achieved in TVOntario's marketing ventures. Sales of programs and services in the Canadian, U.S. and international markets increased by 23.8% bringing total gross revenues for the year to $2.6 million. 897

CJRT

On March 31, 1981, CJRT-FM Inc. completed its seventh successful year as the independent, non-profit corporation that owns and operates CJRT-FM, a unique non-commercial, educational radio station. Its broadcasts of 19 hours per day are now available to 70% of the population of Ontario. The lion's share (62% or 898

some $850,000) of its funding was covered by grants from the Government of Ontario, first through the Ministry of Culture and Recreation and then through the Ministry of Citizenship and Culture, and also through the Ministry of Education (Colleges and Universities) toward its Open College University Level credit courses.

Multicultural broadcasting

899 The Province of Ontario has more than 80 ethnocultural communities which maintain their cultural heritage. These communities are served by a wide variety of radio, television and cable companies. The large variety of programs in languages other than French and English are too numerous to be listed. It can be said that Ontario's ethnocultural communities are well served by the radio and television network in the province. For example: Toronto has a multicultural television station MTV, channel 47. It has programs that cater to nearly all the major ethnocultural groups in Toronto. The CHIN Radio Station in Toronto broadcasts in 32 languages. Global TV also telecasts programs in Greek, Hindu, Italian and Portuguese. The same situation exists throughout the major centres in Ontario where ethnocultural groups reside.

900 At TVOntario, the province's educational television service, the board and administration have recognized the importance of multiculturalism to Ontario society. TVO realizes that an awareness of multiculturalism must permeate all programming activities and is constantly seeking to include references to the cultural patterns of various ethnic minorities within ongoing activities. This concern is reflected in the inclusion of topics and individuals relevant to Ontario's ethnic groups in programs such as "Be a Good Boy Now" about a young Jamaican immigrant in Canada, and "People Patterns", a series about the multicultural mosaic in Ontario.

(f) Preservation and presentation of mankind's cultural heritage.

901 Heritage conservation programmes include: the Ministry of Government Services' Heritage Properties Programme; the heritage bridges policy; the Archaeological Conservation Programme; the co-ordination of volunteers; the youth and career-change training programmes; the Archaeological Licensing Programme; the Education and Promotion Programme; the Publications Programme; the Ontario Heritage Foundation's Archaeological Properties Programme; the Ministry of Northern Affairs' Heritage Support Programme; the curriculum development project for the Ministry of Education; urban archaeology promotion; co-operation with the Ontario Hydro Heritage Planning Programme, and with regard to policy and standards; and data banking on heritage research and educational resources.

(g) Legislation protecting the freedom of artistic creation and performance.

902 Ontario has no specific relevant legislation. However, the Ontario Human Rights Code provides general protection for the individual in the pursuit of various activities under provincial jurisdiction.

(h) Professional education in the field of culture and art.

903 Art education is undertaken by several means: the regular public school system, colleges and universities; specialized arts education institutions; private lessons and instruction.

Ontario universities encourage the study of other languages by establishing Chairs of Languages as part of their curricula. Their counterparts, the community colleges, also make their contribution by continually striving to reflect the needs of their respective communities. If the community or section of a major metropolis served by a community college is heavily ethnic, such as is the case with Humber and George Brown (two of Toronto's largest colleges), courses can be weighted in favour of these various groups. 904

The Ministry of Education has been developing a comprehensive plan for multicultural education in the province. Curriculum guidelines are regularly reviewed to ensure a multicultural perspective throughout school curricula. The Ministry has also supported a number of projects which are providing useful resources for intercultural studies. Furthermore, the Ministry has professional development activities as a major focus. Ministry personnel have responded to requests from many parts of the province for assistance with workshops, seminars, lecture sessions for teachers on multicultural topics. 905

The Ministry of Citizenship and Culture is concerned with the promotion of multiculturalism through academic journals and magazines. One of its successful endeavours in this area is the magazine entitled "Multiculturalism". This quarterly magazine is published by the Faculty of Education, University of Toronto, in co-operation with the Citizenship Development Branch, Ministry of Citizenship and Culture. This magazine provides a forum for the scholarly dissemination of issues and concerns pertaining to multiculturalism. 906

(i) Other measures.

1. Public Libraries Act, R.S.O. 1980, c. 414

The Public Libraries Act provides for the continuation and expansion of the system of public libraries in Ontario. Section 27 of the Act provides that: "Every board shall permit the public to have free use of the circulating and reference books and such other services of the library as it considers practicable, but the board may charge fees for such other services as it considers necessary". Total government support amounted to $25 million in the most recent year. 907

2. Art Gallery of Ontario Act, R.S.O. 1980, c. 28

The Act governs the operation of the Art Gallery of Ontario, which is responsible for cultivating and advancing the cause of the visual arts in Ontario, for conducting programs of education in the origin, development, appreciation and techniques of the visual arts, for exhibiting works of arts and displays within the gallery, and for stimulating public interest in the Gallery. 908

3. Arts Council Act, R.S.O. 1980, c. 30

This Act governs the operation of the "Province of Ontario Council for the Arts". In this context, "arts" means the arts of theatre, literature, music, poetry, sculpture, architecture or the graphic arts, and includes any other similar creative or interpretive activity. The objects of the Council are defined by section 6 of the Act: to promote the study and enjoyment of and the production of works in the arts, through support to arts organizations and individual artists, and through awards to distinguished artists. 909

910 The Council was set up in 1963 and was funded at $300,000 to provide support for the burgeoning arts activity of the province. As the arts grew, so did the resources of the Arts Council. For the years 1981/82, more than $12 million in grants were disbursed to more than 1,170 arts programs and 1,495 artists throughout the province. These grants bring the Ontario government's total investment in the artistic development of the province through the Arts Council, over 18 years, to more than $100 million.

4. McMichael Canadian Collection Act, R.S.O. 1980, c. 259

911 The Act governs the day-to-day operations of the McMichael Canadian Collection, a highly respected collection of twentieth century Canadian art, set within a rural environment.

5. Ontario Heritage Act, R.S.O. 1980, c. 337

912 The Act directs the operations of the Ontario Heritage Foundation, an advisory body to government on the conservation, protection and preservation of the heritage of Ontario. The Foundation can receive, acquire and hold property in trust for the people of Ontario, and supports the conservation of the heritage of Ontario. It funds restoration projects and conducts heritage research.

6. Royal Ontario Museum Act, R.S.O. 1980, c. 458

913 The Act governs the operations of the Royal Ontario Museum which contains a world-class collection of objects, concerning natural history and the history of man in all the ages. It operates a planetarium, and conducts education, teaching and research.

7. Archives Act, R.S.O. 1980, c. 27

914 This Act governs the operations of the Archives of Ontario; a body entrusted with the custody of original documents defined as all original documents, parchments, manuscripts, papers, records and other matters in the executive and administrative departments of the Government or of the Assembly, or of any commission, office or branch of the public service and further provides that the enumerated documents shall be delivered to the Archives for safekeeping and custody within 20 years from the date on which such matters cease to be in current use.

915 The Archives are responsible for: the classification, safekeeping, indexing and cataloguing of all archive records; the collection of material bearing upon the history of Ontario; the publication of important documents relating to the history of Ontario; the collecting of all social history documentation, municipal, school and church records, pamphlets, maps, charts, manuscripts, papers, regimental muster rolls, and information respecting the early settlers of Ontario including pioneer experience, customs, mode of living, prices, wages, boundaries, areas cultivated and home and social life. The Archives also conduct research with a view to preserving the memory of pioneer settlers in Ontario and of their early exploits and the part taken by them in opening up and developing the province.

916 In 1981, Ontario government support for archives amounted to $1.4 million.

B. Right to enjoy the benefits of scientific progress and its applications

The Government of Ontario has always recognized and respected the rights of all individuals to enjoy equally in the benefits of advances made in the fields of science. While the Ontario Human Rights Code gives general protection to the individual in areas under provincial jurisdiction, Ontario has no specific legislation dealing with the right to enjoy the benefits of scientific progress. Since this right has always been respected, the need for specific legislation is not seen. 917

In addition to the support of industrial research and development provided by its tax expenditures, Ontario directly funds research and development performance and, in later stages, the commercialization and diffusion of innovations. Crown corporations and agencies, including the Urban Transportation and Development Corporations and agencies, and Ontario Hydro, undertake extensive research and development in their own fields. As well, programs of a number of ministries directly and indirectly support industrial research and development. These efforts are coordinated by the Board of Industrial Leadership and Development (BILD) which also provides funding. 918

1. IDEA Corporation

It was established to promote "innovation development for employment advancement". The objects of the Corporation are to: promote the process of technological innovation in Ontario, both on a province-wide and a regional basis; bring together the research capacities of the public sector with the commercial and industrial sector; enhance the growth and employment prospects of the Ontario economy, both on a province-wide and a regional basis. 919

IDEA Corporation is funded by the Board of Industrial Leadership and Development which co-ordinates the economic development program of the Government of Ontario, and the Corporation reports to the Minister of Industry and Trade. The Corporation has been provided with funds totalling $107 million over five years, and has a mandate to become self-financing in its sixth year. The major portion of those funds has been allocated to five Technology Funds, which are intended to work through joint ventures with private sector partners to invest in projects in several broad technological sectors. IDEA Corporation's five Technology Funds are: the IDEA Biological and Medical Technology Fund Inc., the IDEA Chemical and Process Technology Fund Inc., the IDEA Information Technology Fund Inc., the IDEA Machine and Automation Technology Fund Inc., and the IDEA Microelectronics Fund Inc. 920

2. Board of Industrial Leadership and Development (BILD)

One of the objectives of BILD is to encourage the development and application of advanced technology in Ontario's traditional industrial base and to nurture the growth of new industries. Of BILD's $1.1 billion in planned expenditures over five years, $503 million or 46% is to be on science and technology projects. These include: 921

- Technology Centres. Five major industry-oriented technology centres have been opened, with combined funding of more than $100 million over five years committed from BILD. These centres will support R & D and the diffusion of new technology.

- Ontario Centre for Automotive Parts Technology. The Centre's objective is to help advance the manufacturing, productivity, technological and managerial strengths of Ontario's auto parts industry. BILD will provide $14.5 million over five years, including funding for technology development.

- Ontario Centre for Resource Machinery. BILD will provide the Centre with $20 million over five years to support the funding of R & D on, and manufacturing of, machinery for the mining and forest product sectors.

- Ontario Centre for Farm Equipment and Food Processing. The Centre will receive $10 million over five years to develop and promote the adoption of advanced technology in the farm equipment and food processing sectors.

- Ontario Centre for Advanced Manufacturing. A CAD/CAM Centre in Cambridge and a Robotics Centre in Peterborough together will receive $40 million over five years to accelerate the use of advanced technologies by Ontario manufacturers and to promote the growth of supporting industries.

- Ontario Centre for Microelectronics. BILD will contribute $20 million over five years to the Centre, which will focus on the diffusion of microelectronics technology in products and production processes throughout Ontario industry.

- Allelix Inc. The Ontario Government, through BILD, has agreed to provide $30 million to establish a biotechnology company in co-operation with Canada Development Corporation and John Labatt Ltd. Along with the IDEA Corporation, Allelix will encourage individuals, entrepreneurs and firms to participate in the emerging biotechnology industry.

- Telidon: Teleguide. BILD has agreed to provide $5 million towards the $15 million Teleguide project, which involves 250 Telidon terminals being installed throughout Metropolitan Toronto where tourists and residents can access entertainment and other information. This is a major demonstration of Telidon's capabilities in a mass market and may be instrumental in developing a market for Ontario's Telidon industry.

- Institute for Hydrogen Systems. The Ministry of Energy, with BILD support, is committing $8.6 million over five years, to establish the Institute in a joint venture with the University of Toronto. The Institute includes government, university and private sector interests engaged in hydrogen research, development, demonstration and commercialization. With its well-established low-cost nuclear electric capability, Ontario is in an excellent position to capitalize on this emerging technology.

3. Protection of the environment

922 Information on environmental protection programmes was provided in Canada's Report on Articles 10-12.

4. Ontario Research Foundation

In 1982, the Ontario Research Foundation served 2,100 industrial clients. Half 923
were small businesses. The services ranged from routine testing to highly innovative research and development of new products and processes. Provincial support consists of an annual performance grant. In 1982, the Province provided a performance grant of $4.3 million, about 25% of operating costs, and an additional $500,000 towards the purchase of lab equipment.

5. Assistance to small business innovation

The following Ontario Government programs assist small businesses during various 924
stages of the innovative process:

- The Product Development Management Program, cosponsored by the Ontario Government and Design Canada. Grants of up to $20,000 per project are available for outside consultants to assist a firm with product design.

- The Technical Assessment and Planning Program assists eligible firms in obtaining the consulting services of research scientists, engineers and technologists. Financial assistance is provided up to a maximum of $3,600 per project.

- The Program to Encourage Product and Process Innovation helps small business entrepreneurs build and test a prototype of an innovation in order to assess its commercial feasibility. Grants of up to $10,000 are available for each eligible project.

- The Promotional Aids Program provides funds to cover half the cost of an approved marketing project up to a maximum of $7,500. The program emphasizes new product assistance.

6. Ontario Economic Council

The Council's mandate was set up 20 years ago to contribute to public awareness, 925
discussion, and understanding of socioeconomic issues that have special significance for the people of Ontario. Specifically, it is charged with advising on ways to encourage the maximum development of human and material resources in Ontario, to promote the advancement of all sectors of Ontario, and to foster conditions for the realization of higher standards of living for the people of Ontario. In order to fulfil this role the Council engages in two general sorts of activities, (a) researching and publishing studies on those issues that are deemed by the Council to be of importance to the province, and (b) holding seminars and conferences designed to stimulate public awareness of socioeconomic issues.

Over the past decade or so the Council's research has focused largely in four 926
areas - education, health, housing and social security. Times have changed, however, and so has the research focus. It is now giving increasing priority to the general area of industrial policy both in terms of its implications for Ontario industry, and in terms of Ontario's role within the Canadian and world economy.

During the past two years, the Council published research studies and papers 927
dealing with macroeconomic policy, labour markets, urban affairs, health issues,

and social security. As well, the Council published commentaries on the Report of the Royal Commission on the Status of Pensions in Ontario (the Haley Report), the Report of the Royal Commission on Health Services (the Hall Report), and the new Canadian Charter of Rights and Freedoms.

C. Protection of moral and material interests of authors

928 Protection of intellectual property rights resulting from scientific, literary or artistic activities is governed by federal copyright and patents and trademarks legislation. In addition, the Ontario Courts have long recognized and applied the common law principles relating to the protection against the unauthorized use of confidential information.

D. Steps taken for the conservation, the development and the diffusion of science and culture

929 The Ontario Science Centre was opened in September 1969, and its basic goal is to promote among the general public an understanding of science and modern technology by:

1. Developing systems for increasing public interest

This includes: communicating to the public a clear notion of how science, including modern medicine and technology, affects their daily lives; attempting to remove the psychological barriers that often make science appear intimidating to the non-expert, making science education accessible to the public outside of the formal education system.

2. Being a high-profile, well-attended tourist attraction

This includes: creating revenue (particularly foreign exchange) to contribute towards the Ontario economy. It also means creating the kind of facilities, atmosphere and image that make the Centre a pleasurable place for people to visit, particularly those not already committed to science interests.

3. Providing support and extension facilities for the education system

The Ontario Science Centre provides educational opportunities both in support of school programs and for those who may have missed the opportunity to learn about science during their school years.

4. Playing a lead role in creative science exhibit design and presentation

By meeting this objective, the Ontario Science Centre intends to generate income and international recognition from the sale of exhibits as well as to promote local pride in the Centre and its accomplishments.

5. Being a community centre for the discussion of science issues

In particular, this objective is meant to encourage active public involvement in the politics of science, to demonstrate that there is an important role for the non-expert in science issues and that, indeed, there are many public questions today which can only be answered by those with a measure of scientific common sense or judgement.

6. Serving as an industrial liaison facility

By showing science applied in a social, economic context, the Ontario Science Centre aims to promote an understanding of the science and technology underlying many industrial concerns. The Centre also aims to promote a showcase for Ontario industry and to encourage industrial support for exhibits and general science education.

E. Right to the freedom of scientific research and creative activity

This right was recognized and protected in Ontario even before the Covenant on Economic, Social and Cultural Rights came into force in Canada. Since the unfettered right of scientists to pursue research has always been respected by the Government of Ontario, there would seem to be no necessity for specific legislation to deal with the matter. For example, there is no direct government control of universities or other educational institutions where many research projects are conducted. 930

Furthermore, since freedom of association is guaranteed under the Canadian Constitution, the freedom of exchange of views and information between scientists and scientific institutions is assured. The government itself also provides support for, and participates in, ongoing dialogue with institutes engaged in scientific research. 931

The freedoms guaranteed to scientists are also given to writers, artists and other creative workers. The sole limitations placed on such individuals by the provincial government can be found in regulations dealing with the distribution of obscene materials. 932

The Government of Ontario firmly believes in the importance of continuing to ensure that the right to the freedom of scientific research and creative activity is protected to the fullest possible extent, and is convinced that this right shall remain strongly entrenched in Ontario society. The recognition of this right is such that no greater protection could be afforded by its codification by statute. 933

F. International co-operation in the scientific and cultural fields

Scientists and others engaged in research or creative activities are accorded the fullest opportunity to participate in seminars, symposiums and other forums for the fostering of co-operation and international contacts. There are no restrictions on participation in such programs and activities. 934

Student exchanges and educational trips

During the 1981-82 school year over 7,000 Ontario students participated in national and international exchange or travel programs designed to provide language and cultural enrichment. 935

Educator exchanges

Educator exchanges were organized with other provinces and with France, the United Kingdom, the United States, Belgium, the Netherlands, Bermuda and New Zealand. 936

QUÉBEC*

937 The Government of Québec undertook to comply with the International Covenant on Economic, Social and Cultural Rights by adopting, on April 21, 1976, Order in Council No 1438-76.

I. Information concerning PARTS I and II of the Covenant (Articles 1 to 5)

(1) Article 1: Right to self-determination.

938 The Government of Québec fully subscribes to the principle of the right of all peoples to self-determination and to the corollaries to this right. It also declares its willingness to promote the exercise of this right through all legal means.

(2) Measures taken to guarantee the exercise of the rights covered by Articles 13-15 without discrimination.

939 Under section 10 of the Charter of Human Rights and Freedoms (RSQ c C-12), "Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap. Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right".

940 As provided in section 54, "the Charter binds the Crown". It follows that public authorities and institutions are required to comply with these provisions.

(3) To what extent non-nationals are guaranteed the rights dealt with in Articles 13 to 15.

941 In Québec everyone has the right to education. However, non-nationals, defined as persons who do not have Canadian citizenship, are not residents of Québec or do not have the status of permanent residents, may be subject to the following: at the college and university levels, students who are non-nationals are required to pay higher tuition fees, unless there is an agreement between Québec and the country of which the student is a national. Such agreements exist with most of the francophone African countries and a few countries in the Maghreb and the Middle East.

(4) Equal rights of men and women.

942 We would refer the reader to the Québec government's first report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, at pages 25 et seq, to the document "La généralisation du droit à l'éducation" (the general right to education), the Department of Education's response to UNESCO's questionnaire, 37th session of the International Conference on Education, Geneva, 1979, at pages 4 to 17, and to the comments made under point 2 (supra).

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* Report prepared by the Government of Québec.

Since these reports were prepared, the Québec Charter of Human Rights and Freedoms (RSQ c C-12) has been amended and now allows the establishment of affirmative action programs in the sectors of employment, education, health services and other services generally available to the public. Every such program must be approved by the Québec Human Rights Commission (Commission des droits de la personne), unless it is imposed by order of the court. 943

If, after investigation, the commission confirms the existence of a situation involving discrimination, it may recommend the implementation of an affirmative action program within such time as it may fix. Where this recommendation has not been followed, the commission may apply to the court and, on proof of the existence of a situation involving discrimination, obtain, within the time fixed by the court, an order to devise and implement such a program. 944

The commission supervises the administration of the affirmative action programs and may make investigations and require reports. 945

(5) Limitations imposed upon the exercise of the rights set forth in Articles 13 to 15.

We refer the reader to the comments under point 3 (supra) concerning non-nationals. Any other limitations will be examined in the context of the various matters discussed in this report. 946

II. PART III

ARTICLE 13: RIGHT TO EDUCATION

A. Principal laws, and administrative regulations.

The right of everyone to education is guaranteed by section 40 of the Charter of Human Rights and Freedoms (R.S.Q. c. C-12) and by the following acts: the Education Act, R.S.Q. c. I-14; An Act respecting the Ministère de l'Éducation (R.S.Q. c. M-15); the General and Vocational Colleges Act, R.S.Q. c. C-29; the University of Québec Act, R.S.Q. c. U-1; An Act respecting private education, R.S.Q. c. E-9; An Act respecting the Commission scolaire de la Côte Nord du Golfe St-Laurent, R.S.Q. c. D-1; An Act respecting the Commission scolaire du Nouveau-Québec, R.S.Q. c. D-3; the Charter of the French language, R.S.Q. c. C-11; the Youth Protection Act, R.S.Q. c. P-34.1; An Act to secure the handicapped in the exercise of their rights, R.S.Q. c. E-20.1; An Act respecting the Conseil supérieur de l'éducation, R.S.Q. c. C-60; An Act respecting the Conseil des collèges, R.S.Q. c. C-57; An Act respecting the Conseil des universités, R.S.Q. c. C-58; An Act respecting municipal and school debts and loans, R.S.Q. c. D-7; the University Investments Act, R.S.Q. c. I-17; the Student Loans and Scholarships Act, R.S.Q. c. P-2; An Act respecting grants to school boards, R.S.Q. c. S-36; Bill 3, An Act respecting public elementary and secondary education, adopted by the National Assembly on December 21, 1984; An Act respecting the École de laiterie and intermediate agricultural schools, R.S.Q. c. E-1; An Act respecting educational programming, R.S.Q. c. P-30.1; and the Specialized Schools Act, R.S.Q. c. E-10. 947

Many regulations were adopted in the area of education. For example, between April 1, 1982 and March 31, 1983, some 20 regulations were adopted. These deal mainly with the conditions of employment of the directors and the senior and 948

management staff of the school boards, the language of instruction of persons staying in Québec temporarily, the tuition fees charged to students from outside Québec, the loans and scholarships granted to students, admission conditions for certain technical study programs, and grants to institutions for children with difficulties of adaptation.

B. Measures taken to promote the full realization of the right of everyone to education with a view to achieving:

(1) The full development of the human personality and the sense of its dignity.

949 In the late 1960s, the school curriculum already included health, family education, civic responsibilities and economics. However, these subjects did not have the importance that is now attached to them in terms of quality of life.

950 In 1972, the Department of Education grouped these subjects together with sex education into an experimental program of personal and social development. Following evaluations made in 1975 and 1978, involving among other things consultations with teachers, school boards and resource persons specializing in the areas covered by the program, a review of the literature in the field of personal and social development and related areas, an analysis of Canadian programs as well as certain European and American programs, a synthesis of educational research initiatives and consultation in the field provided a basis for the orientation of the 1983 version of this program.

951 The new program takes into consideration Rogers' theory of affectivity and the principal theories of development, in particular those of Piaget, Erikson and Nielsen, so that it will be suited to the psychological, cognitive and psychosocial characteristics of the various age groups to which it is addressed.

952 Throughout elementary and secondary school, the students will study the same major issues always with the goal of broadening and developing their areas of knowledge and increasingly applying this knowledge to the problems they face in life.

953 It should be noted, finally, that these programs are mandatory.

954 See also the comments in the Québec government's first report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, under Article 10.

(2) The strengthening of respect for human rights and fundamental freedoms.

(3) The development of human rights teaching.

955 At the elementary level the optional courses in Catholic morals refer to the principles of justice, equality and tolerance, as well as to the questions of discrimination and racism.

956 At secondary school the references are more explicit and relate extensively to major international instruments such as the Universal Declaration and the International Covenants, as well as the Québec Charter of Human Rights and Freedoms.

The Department of Education also worked with the Québec Human Rights Commission on the preparation and distribution of a guide to the Charter of Human Rights and Freedoms intended for young schoolchildren and entitled Young, Equal in Rights and Responsible. 957

The preparation, promotion and distribution of this educational document were one of the major projects of the Human Rights Commission during 1981 and 1982. 958

The general objective of the Commission's activities in this area is as follows: to propose to the schools a model for relationships based on the principle of equal rights of young people and adults, and among young people themselves, and on mutual recognition and exercise of fundamental rights; and to promote among students the development of competence in affirming their individual and collective fundamental rights and assuming control of them in order to exercise them concretely. 959

The release of the guide nationally in November 1981, followed by a series of regional promotions, made people aware of its existence and led to the distribution of 415,000 copies. 960

(4) The effective participation of all persons in a free society.

See the comments under paragraph B(1) supra and the comments under paragraph B(5) infra. 961

(5) The promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.

The "personal and social development" program referred to in paragraph B(1) supra includes a section entitled "education in interpersonal relations" and another entitled "education for life in society". 962

The overall objective of the first section, "education in interpersonal relations", is to help the student understand his situation and that of others in order to improve the quality of his interpersonal relations. 963

This section emphasizes, among other things, the characteristics of good interpersonal relations. Thus "mutual consideration" allows one to see others as being different from oneself and makes it possible to appreciate such differences without prejudice. 964

The section "education for life in society" poses the following challenge for young people: to be comfortable with oneself and with others, to develop in private and in public, to grow on one's own and with others and to experience the difficult challenge of being a man or a woman among men and women. 965

In recent years a major effort has also been made to make Québecers as a group aware of the contributions of the various cultural communities. The progress made so far indicates that the principle of respect for minorities is becoming increasingly widespread. 966

We shall mention as an example the government project "Mes amis de partout" (my friends from everywhere), in which two departments, Education and Cultural Communities and Immigration, were involved in a project aimed at young 967

elementary school children. The project "Si tous les enfants du monde" (if all the children in the world) involved bringing together Québecers from various cultural backgrounds as part of the International Year of the Child.

968 In 1982, the education branch of the Human Rights Commission also gave 52 training sessions in schools. These sessions, which lasted from between half a day to three days, were aimed at training resource persons for the promotion of rights. This same branch also provided 93 consultations and participated in 29 information sessions, again in schools. It also produced five training aids.

969 The Human Rights Commission asked the Minister of Education to suspend two aptitude tests (kindergarten preparation test and grade 1 academic preparation test) considered discriminatory on the basis of social condition and race. A moratorium has effectively been declared.

970 Finally, at the university level, a series of nine hours of courses on the Québec Charter of Human Rights and Freedoms and the Québec Human Rights Commission was organized and presented by the faculty of continuing education at the Université de Montréal. A similar series on the rights and responsibilities of young people has been prepared for the winter of 1983.

(6) The furtherance of the activities of the United Nations for the maintenance of peace.

971 No particular activities to be mentioned.

C. Right to primary education

(1) Measures taken to achieve the full realization of the right to primary education, including special provisions relating to specific groups.

Compulsory and free education

972 Under sections 33 and 34 of the Education Act, every school board is required to admit every child between the ages of six and sixteen. Under sections 256 and 257 of the same Act, every child between the ages of six and fifteen is required to attend a school under the control of a school board or any other school organized under the laws of Québec or to receive effective instruction at home.

973 Primary education is free, including school textbooks and transportation in the morning and the evening.

974 There is now generalized access to school facilities and there are practically no more geographical obstacles at any level of education.

975 The Québec government's priorities with respect to the right to education are centered on equal opportunities for advancement.

Young girls

976 See the Québec government's first report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, under Article 10.

Children of low income groups

977 Numerous studies undertaken in Québec at the preschool level indicate that children from disadvantaged backgrounds begin their primary education less well equipped intellectually than children from more advantaged backgrounds and that their progress during elementary school does not allow them to make up for the disadvantages noted. A series of measures have been adopted to rectify this situation before the children enter school. These measures, which are directed at children four years old, also provide for specific activities that allow the parents to participate in the progress their children are making.

978 Home kindergartens and resource kindergartens have been set up specifically to meet these needs. A group of approximately six children meets, for educational activities, in one of the homes, in rotation. A specialist directs the activities with the help of the parents. Each group meets two half-days per week. The teaching materials consist of a few specialized objects but mainly normal household objects.

979 The classroom kindergartens receive the children in groups of fifteen, five half-days per week. A specialist leads the educational activities and has the necessary educational materials available. Over 4,000 children are registered in the classroom kindergartens for four year old children from disadvantaged backgrounds.

980 In 1978 the Department of Education also implemented operation Passe-Partout (Open Sesame). This is a multi-media project comprising, as its main component, a series of 125 30-minute programs broadcast every day of the week. It also includes a program to assist parents from disadvantaged backgrounds. This program, which is aimed at extending the effects of the television series and assisting parents in their role as educators, is directed by a resource educator. The program involves approximately 5,000 families with four-year-old children. The third aspect of the operation is the magazine Passe-Partout. It consists of 13 issues, each covering the content of 10 broadcasts.

981 At the elementary level the Québec government's activities are aimed principally at training school staff in disadvantaged areas, making them aware of the problems in these areas and adapting the teaching materials.

982 At the secondary school level the activities for adolescents from disadvantaged backgrounds are aimed at preventing early dropouts and problems relating to absenteeism and the use of alcohol and drugs.

Children in rural areas

983 See the Québec government's first report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, under Article 10.

Children who are physically or mentally disabled

984 On the basis of the principle that children experiencing adaptation or learning problems are entitled to an education centered on their maximum development, just like any other children, the Québec government adopted a policy respecting such children in 1978. This policy holds that special education, re-education, readaptation and extended school attendance measures should be incorporated into a school environment that is as normal as possible.

985 In 1981-82, $155 million was allocated to these services.

986 See also the comments under paragraph E(2) infra.

Children of immigrants, children belonging to linguistic, racial, religious or other minorities and children belonging to indigenous sectors.

987 The very organization of the Québec school system already takes the anglophone minority into account. There are English-language school boards, both Protestant and Catholic, four English-language general and vocational colleges (Cégeps) and three English-language universities.

988 The Department of Education gives the school boards special grants for orientation classes and for special measures to protect the original culture of young people and adults, while making them gradually aware of Québec culture.

989 Furthermore, in co-operation with the major ethnic communities in Québec, including the Portuguese, Greek and Italian communities, the Department of Education has prepared programs for teaching original languages and culture, which may form part of the normal elementary and secondary school curriculum.

990 The Department of Education is also encouraging private ethnic schools to associate with the school boards while at the same time maintaining their specific ethnic character.

991 Québec has established three new school boards in order to improve services to the Native community. The Cree and Inuit have assumed legal control of these new boards. Their children may receive instruction in the Native language during the first years of elementary school. The curricula of these school boards were determined following consultations among committees of the principal Native groups and tend to favour linking educational functions with the socio-economic and cultural functions of these communities.

(2) Percentage of children covered by primary education;

992 The most recent statistics available are for 1977-78 and indicate that the percentage of children attending school was: 95% for preschool children; 98% for 6 year old children; 99% for children 7 to 10 years old; and 94% for 11 year old children.

(3) Extent to which primary education is free.

993 Primary education is free, including school textbooks and transportation in the morning and the evening.

(4) Factors and difficulties.

994 To our knowledge there are no factors preventing this right from being fully exercised.

D. Right to secondary education

(1) Accessibility of secondary education.

Orientation facilities appropriate to the needs of those entering secondary school are essential if the latter are to progress through this level successfully. Programs are organized on the basis of what the secondary school staff know about the students entering the school, such as academic performance, years of study and age, intellectual functioning, emotional, social and physical maturity and health. For example, the students entering secondary school may have achieved the objectives of the primary school curriculum after five, six or seven years at school. The secondary school must, therefore, develop orientation programs adapted to the different needs of these students. 995

Except where justified by the circumstances, classes must not begin before 8:30 a.m. or end after 4:30 p.m. All students must also have at least 50 minutes for lunch and a break of at least five minutes between any two classes. 996

(2) Availability of technical and vocational secondary education.

In Québec, technical and vocational education are provided at the college level and fall within the same framework and the same philosophy as other forms of education. 997

(3) Introduction of free secondary education.

Secondary education is completely free in Québec, including school textbooks and transportation in the morning and the evening. 998

(4) Factors and difficulties.

To our knowledge, there are no factors preventing this right from being fully exercised. 999

E. Right to higher education

(1) Accessibility of higher education.

In 1982-83, school enrolment increased more rapidly than forecast, owing to a substantial increase in the number of students moving on from secondary school to college and a significant increase in the number of female students, who now outnumber their male counterparts. 1000

Special efforts have been made to make college more accessible to graduates of vocational secondary programs. Thus five guides to higher education have already been distributed in colleges and school boards and four others are being prepared for the fields of agriculture, electrotechnology, fishing and maritime technology. 1001

Moreover, the colleges have studied the advisability of setting up new programs in the following areas, inter alia: robotics, international trade, training for nursing staff in the North, industrial ceramics, furniture and woodworking, pulp and paper and physical technology. 1002

1003 The colleges will also be called upon to co-operate in the government project aimed at increasing the rate of school attendance among young people, by increasing the rate of graduation from secondary school into college. The colleges will also be making an effort to take in even more adult students. A special effort will be made to review the distribution of programs within the network, and to make optimum use of existing human and physical resources.

1004 Finally, the colleges will have to continue their efforts to ensure full technological development, through training programs proposed for the students, staff development and equipment renewal.

(2) Financial assistance to students in higher education.

1005 The Québec government wishes to make college and university education accessible to all those who wish to pursue such studies and are capable of doing so, but who do not have the necessary financial resources. However, the student himself, his parents or those who are acting in their stead must contribute to the financing of his education in so far as they are able.

1006 In each educational institution accredited for purposes of the loans and scholarships program, there is a financial assistance service where the student may obtain advice and information on how to apply for financial assistance.

1007 The loans are granted by a lending institution and guaranteed by the government. Scholarships do not need to be repaid.

1008 The Québec education system also provides other types of scholarship. First there are scholarships for disabled students. These are intended for students with physical or sensory disabilities who are unable to obtain all necessary pedagogical services suited to their particular situations from their school boards. Such scholarships are also offered to disabled adults who wish to retrain themselves by completing their secondary education. There are also "vocational scholarships" designed to encourage secondary school and college students to enrol in certain vocational programs, thereby promoting a better distribution of manpower, while at the same time taking into account the needs of the community and the employment prospects for graduates. There are also "scholarships for foreign students" designed to provide, within the limits of the government's general policy respecting such students, financial assistance to students from certain countries who register at universities or colleges in Québec. Mention should also be made of the "bilingualism scholarships" in education and the "development scholarships" for vocational teachers in private colleges and government schools. In 1982-83, the Minister of Education established a scholarship program for students who devote the majority of their activities to an accredited national students association or an affiliated association.

1009 For 1982-83, it was forecast that $247 million would be spent on loans and scholarships, while the government estimated that it would have to pay $35.5 million in interest on loans granted by lending institutions.

1010 In 1982-83, all amounts used in calculating financial assistance were indexed to the cost of living and interest continued to be paid to lending institutions participating in the plan.

Since July 1982, the terms for repaying student loans have been made less stringent for borrowers who do not have sufficient financial means at the time they are to commence repayment. Under these new provisions, the government, instead of the borrower in difficulties, reimburses the lending institution every month for a given period. The borrower will reimburse the government when he is financially able to do so. 1011

F. Right to fundamental education

(1) Measures taken for the fundamental education of persons who have not completed the whole period of their primary education.

This question was the subject of a study on which a report was presented to the Québec government in February 1982. Part of the report concerns the accessibility of adult education and examines inequalities of access based on discrimination. See the Québec government's first Report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, at pages 27 et seq. 1012

The chief concerns of the adult education program in 1983-84 are to offer the general public educational, sociocultural and socioeconomic training activities which will take into account the principles set out in the policy statement on adult education. An increase in the number of full-time general training courses is expected, in particular in employment preparation courses, as is an increase in full-time and part-time vocational training courses. 1013

In 1982-83 the budget of the Department of Education's Adult Education Branch was $6,557,400. 1014

(3) Statistical data.

In 1982-83, 304,430 people were enrolled in training courses: 49% in full-time or part-time educational or sociocultural courses at the elementary or secondary level; 27% in full-time or part-time socioeconomic courses, at the elementary or secondary level; and 24% in vocational socioeconomic courses at the college level, most of them on a part-time basis; 374 people were enrolled in vocational socioeconomic courses on a full-time basis in specialized institutions. 1015

G. Development of a system of schools

(1) Principal laws.

See the acts cited in section A supra. 1016

(2) Measures taken to develop a system of schools.

As the person responsible for the operation of the education system as a whole, the Minister of Education has powers, the exercise of which, is essential to coherent action by all those involved in the system. He is also the person responsible for ensuring that the values communicated by the education system are in accordance with the aspirations of the people of Québec. Four specific activities of the Department of Education follow from these two essential functions of the Minister of Education. 1017

1018 At the educational and pedagogical level, the Department is responsible for establishing the types of educational service that are to be offered to the various categories of students. It also establishes the general framework for the organization of such services, determines pedagogical systems and sanctions study programs. It approves curricula, teaching materials and assessment methods. Finally, it may make regulations concerning admission requirements and school timetables.

1019 In the area of human resource management, the Department determines the general working conditions within the school system as well as classification and qualification standards. It also sets general training and development policy as well as personnel evaluation methods. The Department of Education, in co-operation with its partners in the education system, also negotiates working conditions of teachers, non-teaching personnel and support staff, with the unions.

1020 In the area of financial resource management, the Department establishes financing guidelines for the school system each year, as well as allocating the financial resources granted by the National Assembly for the education system. In addition, the Department determines how the equalization grants are to be paid, approves the budgets of the educational institutions and determines the nature of the financial reports that are to be prepared.

1021 With respect to physical resource management, the Department, as part of the three-year educational investment plans, authorizes capital projects for educational institutions as well as plans and specifications for major construction, expansion or renovation projects. Finally, it may make regulations establishing general guidelines for the management of the institutions' capital assets, including the terms and conditions governing the transfer of movable and immovable property.

(3) Statistical and other data.

1022 Québec has a complete educational system accessible to everyone. In 1981-82, 248 school boards administered 2,567 elementary and secondary schools. There were 46 public colleges and 19 universities and their constituents.

1023 There were 320 private institutions at the elementary, secondary and college levels.

1024 The government administered 46 schools including agricultural institutes and conservatories.

1025 In 1981-82 the enrolments in public and private education were 1,324,739, distributed as follows: Junior kindergarten, 7,055; kindergarten, 88,107; elementary, 552,073; secondary, 536,576; college, 140,928. At the university level there was a total of 191,247 students, 88,852 on a full-time basis and 102,395 on a part-time basis.

(4) Factors and difficulties.

1026 To our knowledge there are no factors preventing this right from being fully exercised.

H. Establishment of an adequate fellowship system

See the comments under paragraph E(2) supra. 1027

I. Improvement of the material conditions of teaching staff

(1) Principal laws, etc.

See the document Les conditions de travail à l'éducation: la recherche de l'équité sociale, copy of which is being sent to the Secretary-General with this report. 1028

(2) Working conditions of teaching staff.

The Government of Québec has adopted, on December 11, 1982, an act defining the conditions of work of the employees of the provincial government, including the teaching staff. The economic crisis and the situation of social tensions provoked by that crisis forced the Government to adopt exceptional measures as explained by the Minister of Education in parliamentary committee. His speech, which is the object of the above-mentioned document, explains the circumstances which lead the Government to adopt these measures and the efforts it made to reconcile the education and social objectives with the economic objectives. 1029

(3) Participation of the teaching staff in the development of plans and programs.

In accordance with Part II of Bill 3, An Act respecting public elementary and secondary education, at least two teachers of each school must be members of the school council. The council formulates the school's orientations and monitors the implementation of the school's education project. 1030

(4) Factors and difficulties.

The difficulties experienced in this area are explained in the document mentioned above. 1031

J. Right to choice of school

(1) Principal laws, etc.

Section 42 of the Québec Charter of Human Rights and Freedoms provides that: "Parents or the persons acting in their stead have a right to choose private educational establishments for their children, provided such establishments comply with the standards prescribed or approved by virtue of the law." 1032

In 1981-82, there were 320 private institutions at the elementary, secondary and college level in Québec. 1033

These private institutions are subsidized and the amount of the grants paid to them must be revised by government order in council before May 1 preceding the commencement of the school year. 1034

This revision of the grants per student involves two separate operations: a revision of the base amounts by education level in accordance with the by-laws of the institution and a revision of the rental value per student. 1035

1036 The base amounts are revised by readjusting them according to the variations in the amount of the grants given in the public sector for the same year and same level of education. However, this revision does not take into account the variations in the amount of the grants given to the public sector for expenses that are not applicable to the private sector.

1037 The rental value per student is revised for institutions which establish that there has been a change in their movable and immovable assets as compared with their previous situation. Such revisions are made during the year at the request of the institutions.

1038 In 1981-82 the following numbers of students were subsidized under the Act respecting private education: kindergarten, 795; elementary, 9,350; secondary, 62,133; college, 15,973; college (adults), 683; and children with learning difficulties, 323. The total was 89,257.

1039 The budget allocated to private education in 1981-82 was $217,992,700.

(2) The right of parents to ensure the religious and moral education of their children in conformity with their own convictions.

1040 Section 41 of the Québec Charter of Human Rights and Freedoms provides that: "Parents or the persons acting in their stead have a right to require that, in the public educational establishments, their children receive a religious or moral education in conformity with their convictions, within the framework of the curricula provided for by law."

(3) Measures taken to promote respect for this right, including the opportunity to attend a school where teaching is in the native language.

1041 Since French is the official language of Québec (Charter of the French language, public education is provided in that language free of charge. However, education in English is also offered free of charge to children who meet the criteria established in the regulations under the Charter of the French language.

(4) Factors and difficulties.

1042 To our knowledge there are no factors preventing this right from being realized.

K. Liberty to establish and direct educational institutions

(1) Principal laws, etc.

1043 Private educational institutions are governed by the Act respecting private education.

1044 These institutions may have one of the following status: they may be declared to be of public interest, recognized for purposes of grants or hold an education permit. Institutions declared to be of public interest and institutions recognized for purposes of grants receive a set amount per pupil. Institutions holding an education permit do not receive grants from the Department of Education.

1045 Private institutions may dispense pre-elementary, elementary, secondary and college education. They must follow the Department of Education's official

curriculum, recruit qualified teachers, present their pupils for the official examinations, have equipment comparable to that in the public sector and organize appropriate services for their pupils. In addition they are subject to the educational system in effect in the public schools and must hold health and safety certificates. They must also post a bond to guarantee compliance with their obligations toward their pupils.

At the elementary level only boarding schools and ethnic minority schools are subsidized. 1046

Self-improvement schools give courses such as dancing, languages and yoga. They are normally profit-making organizations and may not receive grants. In order to obtain a permit they must offer a sufficiently structured program, employ teachers who have some competence in the subject taught, possess a safety and health certificate for the premises used, have their publicity and contract forms approved and, finally, post a bond to guarantee compliance with their obligations toward their pupils. The issuance of a permit to such schools is less a sign of the Department of Education's approval than a form of consumer protection. 1047

ARTICLE 14: PRINCIPLE OF COMPULSORY PRIMARY EDUCATION, FREE OF CHARGE FOR ALL

See the comments under sections C(1) of Article 13 supra. 1048

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

(1) Principal laws and administrative regulations.

The principal laws are: the Publishers Loss Insurance Act, R.S.Q. c. A-27; An Act respecting the Bibliothèque nationale du Québec, R.S.Q. c. B-2; the Public Libraries Act, R.S.Q. c. B-3; the Cultural Property Act, R.S.Q. c. B-4; An Act respecting the cinema, R.S.Q. c. C-18; An Act respecting artistic, literary and scientific competitions, R.S.Q. c. C-51; An Act respecting the Conseil d'artisanat, R.S.Q. c. C-56; An Act respecting the Conservatoire de musique et d'art dramatique, R.S.Q. c. C-62; An Act respecting the development of Québec firms in the book industry, R.S.Q. c. D-8.1; An Act respecting the Institut québécois de recherche sur la culture, R.S.Q. c. I-13.2; An Act respecting the Ministère des Affaires culturelles, R.S.Q. c. M-20; An Act respecting the Montréal Museum of Fine Arts, R.S.Q. c. M-42; An Act respecting museums, R.S.Q. c. M-43; An Act respecting the Société de développement des industries de la culture et des communications, R.S.Q. c. S-10.01; An Act respecting the Société de la Place des Arts de Montréal, R.S.Q. c. S-12.1; An Act respecting the Société du Grand Théâtre de Québec, R.S.Q. c. S-14.01; and the Theatrical Performances Act, R.S.Q. c. R-25. 1049

This legislation is complemented by regulations which facilitate its implementation. Some 30 regulations dealing with various aspects of cultural activities have been adopted. 1050

(2) Practical measures for realization of this right, including:

(a) Information on the availability of funds and public support for private initiative.

1051 For the 1981-82 fiscal year, the budget of the Department of Cultural Affairs was distributed among six programs and totalled $111,274,860.

1052 The books and other printed material program had a budget of $23,663,300 divided as follows: assistance with publishing and selling books, $2,836,700; development of a network of public libraries, $16,728,600; Québec national library, $4,098,000.

1053 The protection and enhancement of cultural property program had a budget of $19,448,000 divided as follows: conservation and use of archives, $2,766,400; conservation of historic and archeological sites and properties, $16,330,700; Cultural Property Commission, $350,900.

1054 The internal management and administrative support program had a budget of $8,127,500 allocated as follows: management and administrative support, $5,762,100; regional offices, $2,365,400.

1055 The visual environment arts program had a budget of $15,157,704 allocated as follows: improvement of the visual environment, $2,140,200; development of museums and exhibition centres, $13,017,504.

1056 The performing arts program had a budget of $38,944,156 divided as follows: teaching of the performing arts, $10,733,600; support for the performing arts, $28,210,556.

1057 The film program had a budget of $5,934,200 divided as follows: film administration, support and promotion, $5,183,700; film supervision bureau, $750,500.

(b) Institutional infrastructure established to promote popular participation in culture.

1058 The Department of Cultural Affairs was officially created on March 24, 1961, the day on which the Act to establish the Department of Cultural Affairs was assented to (9-10 Eliz. II, c. 23). This Act gave the Minister of Cultural Affairs a mandate to promote the development of arts and letters in the province and their diffusion abroad (s. 3). More specifically, this Act gave the Minister responsibility for provincial libraries and museums and historical archives, and control of the conservatories of music and dramatic art and of artistic, literary and scientific competitions (s. 4).

1059 Since 1976-77 the Department of Cultural Affairs has had three principal development objectives: to promote a true policy for making culture democratic; to strengthen Québecers' feeling of belonging; and to integrate cultural activities into economic life.

1060 In this context of making culture democratic the Minister of Cultural Affairs toured all Québec on a consultation trip. The objective was twofold. One of the aims was to become familiar with the cultural realities experienced by Québecers as a group so as to be able to adapt the Department's policies and

programs to these realities. The second aim was to make local participants aware of the urgent necessity of also assuming responsibility for the cultural development of their municipalities and regions.

In the book publishing industry various programs were adopted to assist the industry and its dissemination both in Québec and abroad. The establishment of the Association québécoise des salons du livre (Québec association of book fairs) was also encouraged. In addition, as a result of efforts made over the past two years, it can be said that the network of public libraries is well on the way to being completed. Both in rural and urban areas, 80% of Québecers now have access to public library service in their municipality. During 1981-82 10 new municipal libraries were established while 21 municipalities received assistance to build or renovate libraries. 1061

In the area of protecting and developing cultural property, efforts continued to be made to find partners in the public, semi-public and private sectors to participate in restoration and in particular community and heritage property use projects. Efforts are also being made to get rid of properties belonging to the Department of Cultural Affairs that are no longer necessary to the exercise of its mandate. Revisions to the Cultural Property Act have also been considered and a standardized program for assisting municipalities has been set up, in addition to the various existing assistance programs being administered. 1062

The national institutions (Québec National Archives (Archives nationales du Québec), Québec National Library (Bibliothèque nationale du Québec), Institute of Music and Dramatic Art (Conservatoire de musique et d'art dramatique) and public museums) have been encouraged to place greater emphasis on cultural activities and the dissemination of the heritage property in their custody. Thus major exhibitions were presented at the Québec National Archives. The exhibition "Hommage au Québec" (Homage to Québec) at the Montréal regional centre, for example, attracted over 65,000 visitors while major exhibitions were also hosted by the Centre d'archives de la Capitale (Capital Archives Centre). The Québec National Archives are also equipped with a computer system, SAPHIR, which is still in the process of being installed. 1063

At the Québec National Library permanent thematic exhibitions have been set up to enhance the wealth and diversity of the collections. In addition, a pilot study of a computerized system that will make it possible to develop better research tools is currently being conducted. This system might have a considerable impact on all the major libraries in Québec. 1064

The Institute of Music and Dramatic Art, continued to pursue its training function despite a staff reduction throughout the network. A review of teaching methods has also been undertaken. 1065

Finally, in the government museums, finally, several major exhibitions were presented and emphasis was placed on community activities and educational services. Regional museums and exhibition centres were also encouraged to offer educational services and host itinerant exhibitions. 1066

In the area of arts and literature, the assistance programs were completely overhauled to allow for both highly flexible support for creativity in all areas of Québec and a significant contribution to the production of new works. A Québec studio was also set up in New York for the first time, such a studio 1067

having already been established in Paris. Thus, there are now two studios in two of the major cultural centres in the western world. An official policy was also established defining the parameters of the use of evaluation juries or committees in awarding scholarships and, in some cases, grants to cultural organizations and creators of cultural works.

1068 For 1981-82, a total of $48,336,124 was allocated to public libraries, $805,000 of which was to assist in the establishment of municipal libraries and $10,696,894 was to assist in their operation.

1069 For the same period, a sum of $8,035,362 was allocated to assist museums and exhibition centres, making it possible to support 52 institutions.

1070 A sum of $3,467,456 was allocated to support theatres, $1,097,340 was given to dance companies and $1,007,093 was allocated to musical organizations, and $708,575 went to broadcasting organizations for programming purposes.

1071 The Québec Film Institute (Institut québécois du cinéma) received a sum of $4,000,000, $800,000 of which was allocated to the administration of its services and $3,200,000 of which was distributed among various assistance programs in addition to various amounts carried over from previous fiscal years.

1072 The Québec Film Library (Cinémathèque québécoise) received $512,773. Of this amount $157,473 was allocated to the rental of the Maison du cinéma building, $238,500 was allocated to programs for acquiring, preserving and developing audiovisual film documents and $116,800 was used to pay the operating expenses of the film documentation centre. The film branch also spent $37,500 on purchasing books and periodicals for the film documentation centre before the latter became part of the film library during that year.

1073 There are also three organizations that play an important role in the promotion, dissemination and provision of information about film, and in this capacity also received financial assistance. These are the World Film Festival (Festival des films du monde), whose special function is to promote Québec films in Québec and abroad, the Institute of Film Art (Conservatoire d'art cinématographique), which encourages the promotion of high-quality Québec films and the expansion of film culture, and the Social Communications Bureau (Office des communications sociales), which provides the public with information on the nature, content and origin of films shown in Québec. These organizations received $75,000, $20,000 and $15,000 respectively to assist in achieving their mandates.

1074 Finally, the Commission on Film and Audio-Visual Material (Commission d'étude sur le cinéma et l'audiovisuel) received $219,500 to finance its consultation, study and research work during the 1981-82 fiscal year.

(c) Promotion of cultural identity as a factor of mutual appreciation among individuals and groups; and

(d) measures aimed at promoting awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous groups.

1075 Section 3 of the Act respecting the Ministère des Communautés culturelles et de l'Immigration (RSQ c. M-23.1) provides that the Department of Cultural Communities and Immigration shall facilitate the settling of immigrants in Québec "and

ensure their harmonious integration into Québec society and more particularly with the francophone majority".

Integration into and active participation in a society presuppose a knowledge of the language of the majority. For this purpose the Department of Cultural Communities and Immigration administers a network of orientation and training centres for immigrants (centres d'orientation et de formation des immigrants - COFI), which provide French courses for new Québecers adapted to their needs. These courses may be intensive or tailor-made, full-time or part-time. The centres are more than language schools since they also provide numerous other services: orientation, employment and social assistance services and various social and cultural activities. 1076

In 1981-82, the Québec government spent $10,851,400 on teaching French to people of other languages. 1077

Teaching of original languages

Preservation of an ethnic group's cultural heritage presupposes the transmission of its original language. The Québec government encourages children to learn their mother tongue through two programs. 1078

The Native languages teaching program, administered by the Department of Education, enables students from four different communities to learn the language of their parents as part of the regular school curriculum. 1079

The ethnic languages program, administered by the Department of Cultural Communities and Immigration, had its budget increased from $80,000 in 1976-77 to $200,000 in 1981-82. It enabled close to 20,000 children from 37 different ethnic groups to learn their native language. These courses are organized by cultural community associations. 1080

Concerted action policy

The Department of Cultural Communities and Immigration is mindful of its responsibility to promote the preservation of ethnic customs. 1081

The concerted action program is divided into two parts: the first is directed toward organizations providing immigrant orientation and adaptation services as well as organizations assisting immigrant workers and women in cultural communities. 1082

The second part is aimed at maintaining and developing original cultures and promoting them within Québec society, by providing technical and financial assistance for the activities and community centres of cultural communities. In this latter case the government provides support rather than acting as an initiator, and the cultural communities must themselves define their plans of action for preserving their heritage. 1083

Information and dissemination

In view of the fact that most new arrivals and a considerable proportion of the members of cultural communities know little or no French, the Department of Cultural Communities and Immigration publishes a large number of information and educational documents in various languages. 1084

1085 It also provides a financial contribution and technical expertise to assist other departments and agencies of the Québec government in translating and distributing their publications. For example, it published a brochure on health and social services jointly with the Department of Social Affairs. Other documents are currently being prepared, with the Labour Standards Commission (Commission des normes du travail) and the Housing Board (Régie du logement), among other organizations.

Other departments, other programs

1086 As residents of Québec, the members of the cultural communities have access to all the services of the various Québec government departments and agencies. However, since most are not aware of their rights, they do not make full use of them. A growing number of departments and agencies are becoming increasingly aware of this situation and have developed programs designed to meet the special needs of this particular clientele.

The Québec government's Action Plan for the cultural communities

1087 This plan is aimed at rectifying the most flagrant and fundamental inequalities in status. The government is advocating a series of formal measures, some of which even involve use of equal opportunity mechanisms and are essentially aimed at making government organizations aware of the immigrant situation, ensuring a broader dissemination of government information and promoting intensive development of French access programs for new arrivals.

1088 It also proposes energetic intervention in the establishment of a policy of equal access to employment in the civil service so as to restore a fairer proportional representation of members of cultural communities, in particular in government services directly affecting the public.

1089 In the area of education the schools are being asked to take the cultural plurality of Québec society into greater account in history courses. Emphasis is being placed on improving the quality of second language teaching in the various public education institutions and developing the curriculum for teaching native languages and cultures. In the same vein, the ethnic languages program is to be developed and extended to a larger clientele.

1090 The Action Plan is thus a series of concrete measures which the government intends to take as quickly as possible. These measures are already reflected in the extension of government activities that have been undertaken partly because they sum up the minimum requirements of equality of status for all members of Québec society, something which the Québec government is firmly committed to achieving.

(e) Role of the communication media in promoting participation in cultural life.

1091 In Québec, freedom of expression is guaranteed by section 3 of the Charter of Human Rights and Freedoms: "Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association".

Everyone must also be given access to the various media, without discrimination "based on race, color, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition or the fact he is a handicapped person or that he uses any means to palliate his handicap" (Charter of Human Rights and Freedoms, s. 10). 1092

The only restrictions on this right relate to morality, public order and, subject to the sanction of the civil courts, prejudice to the honour or reputation of individuals. 1093

There is an impressive number of publications in Québec dealing with an extensive range of topics. The large majority of these publications originate in the private sector. 1094

At the government level the aim of the Société de développement des industries de la culture et des communications (Cultural and Communication Industries Development Corporation is to promote the creation and development of undertakings engaged in the fields of book publishing, communication services including television, radio, cable service, videotapes, audiovisual production, newspapers, periodicals and software, recording, video-recording and video-cassettes, performing arts including theatre, entertainment, music, dance and singing, arts and crafts and immovable cultural property and to contribute to the increase of the quality, genuineness and competitiveness of the productions of those undertakings, and to ensure their distribution. 1095

The main object of the Société de radio-télévision du Québec (Québec Broadcasting Corporation) is to establish and operate an educational broadcasting firm to cover the whole territory of Québec. The corporation may also establish a regional committee for each region it delimits; the functions of such a committee are to establish the regional programming for the region, provide for the production of programs and attend to the management of the human and material resources assigned to the programming and production of programs. 1096

The Act Respecting Educational Programming (R.S.Q. c. P-30.1) sets out the objects of such programming in section 3: Educational programming shall: (a) favour the exercise of the right of citizens to education, particularly by presenting programmes that meet specific needs of the population, lead towards diplomas or meet the needs of continuing education; (b) promote the access of citizens to their cultural heritage, particularly by reflecting life in the various regions and among the various ethnic communities, favouring inter-regional and intercultural exchanges, encouraging the creation and broadcasting of Québec audio, video or audiovisual productions, or generally granting a favoured position to the Québec culture; (c) promote the access of citizens to economic and social well-being by presenting programmes that meet their needs of economic and social education; or (d) favour the exercise of the right of citizens to freedom of expression and to information, particularly by encouraging discussion of matters of common interest and presenting them from every viewpoint, and encouraging greater openness to the world, or maintaining a fair balance between matters dealt with, interests concerned and opinions expressed. 1097

(f) Preservation and presentation of mankind's cultural heritage.

Several branches of the Department of Cultural Affairs have a special responsibility for preserving and presenting cultural heritage. 1098

1099 The functions of the Museums Branch are to enrich national and private collections and ensure that they are properly conserved, disseminate them as broadly as possible both within Québec and abroad, promote the preparation of community and educational activities in connection with such collections and promote the dissemination of foreign heritages within Québec.

1100 In order to achieve this mandate, the Museums Branch, together with its four divisions, has set a number of objectives for itself. Thus it plans to contribute to the establishment and development of museums capable of offering the general public services of an increasingly high quality. It also wishes to provide training for those working within such establishments, make the public aware of the value of movable cultural property and involve the public in the development and achievements of museums and exhibition centres. Finally, it plans to increase the number of contacts with Québec, Canadian and foreign agencies, departments and associations that are closely or distantly involved in the field of museology and whose experience may be valuable.

1101 The Museums Branch has four divisions: the Private Museums and Exhibition Centres Division, the Québec Conservation Centre, the Musée du Québec (Québec Museum) and the Musée d'art contemporain (Museum of Modern Art).

1102 The function of the Private Museums and Exhibition Centres Division is to develop and maintain a network of privately managed museums in Québec. For this purpose it must improve these museums in terms of programming, organization, buildings and equipment. It must also help provide information and development for museologists and provide training opportunities for those interested in the area. It must also maximize the yield from the financial assistance program for institutions accredited by the Department of Cultural Affairs and provide organizations and individuals with the necessary information for understanding museums while at the same time making people aware of the network of museums in Québec.

1103 The functions of the Québec Conservation Centre are: to provide Québec museologists with information on means of conservation; to prepare, using the scientific equipment at its disposal, the expertise required for major projects of restoration of immovable and movable heritage property; to carry out, at the request of its clients, restoration work on the cultural property under their responsibility; and to organize training sessions and host trainees, students and museologists working in the area of conservation.

1104 The Musée du Québec, whose function as an art museum was confirmed in November 1980, was involved during 1981-82 in developing new operational structures that will enable it to assume this role fully. In this connection studies and research were conducted based on past experience and taking the international experience into account. Profitable relations have also been established with major Canadian and foreign museums and, in order to meet the needs of the community served, support was given to an interim committee set up to establish a corporate association, the Amis du Musée (Friends of the Museum). In addition, a group of volunteers has joined the Museum team and, under the auspices of educational services, is providing assistance to visitors.

1105 For the Musée d'art contemporain, the 1981-82 fiscal year was one of the most active for the Musée d'art contemporain since its establishment. In terms of both balanced programming and exclusive events during this period, the museum is

increasingly meeting the objectives for which it was established. Now that it has a stable team, it has been able to present a major event in each sector of activity. The museum's activities centre on its permanent collection, temporary exhibitions, itinerant exhibitions and community activities.

The Public Libraries Division is attached to the Book and Film Branch. Its function is to develop an appropriate network of public libraries and coordinate activities within that network in co-operation with the Public Libraries Commission. For this purpose it must: make municipalities aware of the importance and usefulness of public libraries; establish municipal libraries in municipalities having 5,000 inhabitants or more; consolidate the network of central lending libraries; improve the quality of the collections and services of the libraries; and improve the premises of the libraries. 1106

The Central Lending Libraries are regional organizations created by the Department of Cultural Affairs. They act as agents for developing library services in municipalities having fewer than 5,000 inhabitants. Under contracts signed with municipalities in their area, they provide citizens with access to all forms of information and documentation and periodically renew, in whole or in part, the collections of books they have previously purchased, prepared and deposited with libraries in the contracting municipalities. There are currently 11 central lending libraries covering the entire inhabited territory of Québec. The most recent one, in the Laurentians, began operating in 1981. Their rate of development varies, depending on the funds available for this purpose. 1107

The grants for the central lending libraries are calculated on the basis of indexed operating and administrative expenses, the average cost of purchasing a book, the book collections and the public served. The municipalities affiliated with a central lending library have been encouraged to improve the physical layout of their libraries and increase their contribution to the financing of the central lending libraries' expenses, 80% of which are paid for by the Department of Cultural Affairs. During the 1981-82 fiscal year, these libraries received grants totalling $4,112,100. 1108

The function of the Public Libraries Commission is to study appropriate ways of developing a network of public libraries in Québec. After considering financial, administrative and organizational questions relating to the central lending libraries and municipal libraries, the Commission presents its recommendations to the Minister of Cultural Affairs. It also promotes public libraries among municipalities and citizens by holding regular sessions in all regions of Québec. The annual report on its activities is submitted to the Minister and then distributed to public libraries and any other interested organizations. 1109

The function of the Québec National Library (Bibliothèque nationale du Québec) is to acquire, conserve and disseminate Québec's cultural heritage in the form of books, periodicals, records, maps and microcopies. For this purpose it must acquire publications produced by Quebecers, either by applying the provisions of the Regulation respecting the legal delivery of documents (R.S.Q. c. B-2, r. 2) for current productions or by purchases or donations for material published before this regulation came into effect. It must also conserve these acquisitions in the best condition possible and make its collections available to all Quebecers. The Québec National Library's community service attempts to make the public more aware of the various services of the library and to ensure that the best possible use is made of certain of its premises by the community. 1110

1111 The Québec National Archives (Archives nationales du Québec) were established under Division V of the Act respecting the Ministère des Affaires culturelles and their function is to conserve and disseminate the archival heritage necessary for a knowledge of Québec's past and present.

1112 This heritage includes the public documents of the former French and British administrations as well as those of the province of Lower Canada and of contemporary Québec. It also includes documents of government departments and agencies that are no longer in current use; finally, it comprises private documents considered to be of historical interest which the Québec National Archives may acquire or may have recognized or classified, as the case may be, under the provisions of the Cultural Property Act.

1113 The Québec National Archives facilitates access to the archives in their custody by offering a complete range of services to the public in each of their regional centres. Consultation rooms are open to the public at times that may vary from one centre to another. In each of these rooms a document loan service for on-the-spot consultation and microfilm and microfiche readers are provided for the public. Various research tools are also accessible and, as a result of the introduction of the SAPHIR system, all research tools in the network will soon be available in each centre. Each centre also has a library specializing in archives, history, regional history and genealogy, together with an interlibrary loan service within the network. There are also information services in which inquiries are answered by mail and by telephone, and services for photocopying, photographing or microfilming documents.

1114 The function of the Heritage Branch is to promote the protection and development of cultural property by applying the Cultural Property Act and by assistance and intervention respecting property that is not protected by the Act or areas of heritage interest that are neither classified nor decreed to be historic districts. During 1981-82 the Branch pursued the major objective it had set for itself the previous year, namely to promote greater involvement of local or regional communities in the protection and development of their heritage. For this purpose it was necessary to increase the impact of government activities in the community by working with a larger number of contacts.

1115 The function of the Native Heritage Section is to set up mechanisms designed to enable the various native groups in Québec to increase their involvement in the protection and development of their heritage. It also facilitates the dissemination of historical, ethnohistorical and ethnological knowledge concerning these various groups.

(g) Freedom of artistic creation and performance and restrictions imposed on that freedom.

1116 See the comments under paragraph (e) supra.

(h) Professional education in the field of culture and art.

College education

1117 The network of public education colleges offers the following courses in the field of culture and art: design technology, interior design, architectural technology, applied arts, media arts and technology, history of art, plastic arts, fashion arts, film, ancient civilizations, communications technology,

graphic communication, dance, ballet, presentations esthetics, esthetics and history of art, audiovisual equipment, graphics, advertising graphics, history, printing techniques, acting, language and literature (French and English), music (popular music, professional music), philosophy, photography, photolithography, photomechanics, psychology, book binding, graphic sciences, speech sciences, sociology, industrial design techniques, documentation techniques and stage and theatre techniques.

All college level courses are designed to enable the student to acquire both general and specialized training. General training is acquired throughout the program, which includes pedagogical activities designed to develop the student's critical ability and ability to analyse and synthesize as well as his creativity. Specialized training allows the student to develop a specialization directed toward a technical activity or a specialization in a limited number of disciplines with a view to pursuing university studies. 1118

The private colleges also offer the same courses. These courses are also given as part of adult education. 1119

University education

The humanities and arts and literature are two of the nine major disciplines of university education. 1120

Undergraduate studies lead to an honours bachelor's degree, graduate studies culminate in a master's degree and postgraduate studies lead to a doctorate degree. University courses are an extension of the courses given at the college level. The grandes écoles, such as the École d'architecture (School of Architecture), are affiliated with one of the Québec universities. 1121

The Institute of Music and Dramatic Art (Conservatoire de musique et d'art dramatique)

The Québec Institute of Music and Dramatic Art is composed of nine establishments, two of which are devoted to dramatic art (Montréal and Québec City) and seven of which are devoted to music (Chicoutimi, Hull, Rimouski, Trois-Rivières, Val d'Or, Montréal and Québec City). The function of these establishments is to provide professional training for composers, singers, instrumentalists and actors. 1122

During 1981-82, the two institutions that teach dramatic art provided professional training to 75 students. There are 25 teachers, 15 permanent and 10 casual, who are responsible for providing this teaching, which is part of a three-year program that prepares the students to be actors and scenographers. The prerequisite for admission is a college diploma or the equivalent. 1123

As part of its pedagogical activities, each establishment puts on public performances of four or five plays each year (Québec and repertory works). During 1981-82 certain theatrical productions were the subject of exchanges between the two institutions. Finally, World Theatre Day is officially marked by visits, meetings, exhibitions and lectures offered to the public. 1124

During 1981-82, 1,250 students attended the seven institutions involved in teaching music. Close to 300 of them were enrolled full-time in a program of higher education, the third and fourth levels of the institute being equivalent 1125

to undergraduate and graduate university studies. In addition, 260 college students are studying music.

1126 Music is taught by 217 teachers, 119 of whom are permanent and 98 of whom are casual. Seventy per cent of the teaching load is assumed by the permanent staff.

1127 Each institution of the Institute of Music schedules pedagogical activities related to education. During 1981-82, many of these activities expanded the influence of the institutions in their respective social and cultural environments. Over 350 musical performances (recitals, concerts, and so on) were put on by students and teachers for the public.

(i) Other measures.

1128 As an example, we shall mention the policy of incorporating the arts into government buildings that has been in effect since 1981. This policy provides that any building project for which the cost of the work is $150,000 or more must devote a portion of its budget to an arts program. The amount varies depending on the cost of the work: between $150,000 and $400,000 it is 1.5% of the cost of the work; between $400,000 and $2,000,000, it is $6,000 for the first $400,000 plus 1.25% of the remainder; between $2,000,000 and $5,000,000, it is $26,000 for the first $2,000,000 plus 1% of the remainder; and $5,000,000 and over, it is $56,000 for the first 5,000,000 dollars plus 0.50% of the remainder.

1129 The program defines the term "work of art" as being any artistic production relating to architecture or landscape architecture, such as the incorporation of a mural or sculpture into the common or public traffic areas of a building, special treatment of architectural surfaces, interior or exterior, using colour, light or textural effects and visual enhancement of outside areas.

1130 During the first year, the policy was in effect the Department of Cultural Affairs approved 100 such programs.

B. Right to enjoy the benefits of scientific progress and its applications

(1) Principal laws.

1131 The principal laws are: An Act respecting artistic, literary and scientific competitions, R.S.Q. c. C-51; An Act respecting the Institut national de productivité, R.S.Q. c. I-13.1; the Forestry Schools and Research Act, R.S.Q. c. R-1; An Act respecting the Centre de recherche industrielle du Québec, R.S.Q. c. C-8; An Act respecting manpower vocational training and qualification, R.S.Q. c. F-5; and An Act to promote the advancement of science and technology in Québec, R.S.Q. c. D-9.1.

(2) Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures to promote a healthy and pure environment and information on the institutional infrastructures established for that purpose.

1132 Information on the protection of the environment was provided in the report on Articles 10 to 12 of the Covenant, under heading 12-B(3).

Since 1977, Québec has undertaken steps to acquire an overall policy for scientific advancement. 1133

In 1979, extensive consultation between scientists and the general public made it possible to prepare a policy statement and plan of action for the implementation of a Québec policy on scientific research. Responsibility for preparing and implementing this policy was given first to the Minister of State for Cultural Development, and later, in 1982, to the Minister responsible for Science and Technology. The latter was assisted by existing government agencies, namely the Secretariat for Science and Technology and the Bureau of Science and Technology. 1134

Since that time, these organizations have taken various steps to develop research in Québec and make it more accessible. For example, in 1982 an interdepartmental committee on scientific museology was created and a publication on science and technology, the Bulletin de la science et de la technologie, was established. Since 1980 grants from the research promotion fund of the secretariat for research and technology have been awarded for popular projects such as "Semaine des Sciences" (science week) and the "Salon de la science de Montréal" (Montreal science show). We should mention, finally, the joint memorandum prepared by the Department of Education and the Secretariat for Research and Technology on the introduction of computers into schools. 1135

In order to clarify and update government arrangements for preparing, coordinating and implementing Québec's policy on scientific research and technological development, the Minister responsible for Science and Technology tabled in the National Assembly, in May 1983, Bill 19, An Act to Promote the Advancement of Science and Technology in Québec. 1136

This Act, assented to on June 23, 1983, creates a Department of Science and Technology with the following functions: to devise and propose to the government policy for science and technology; to foster the integration of those activities of the departments and public agencies which relate to science and technology; to ensure that new measures necessary for the development of scientific and technological potential are devised and implemented; and to implement, at the request of the Government, certain governmental measures involving several sectors of science and technology. 1137

This Act also creates a "Conseil de la science et de la technologie" (Science and Technology Council) whose members represent the business and labour communities, the field of scientific and technical information and the public and semi-public sectors. The council must prepare a report on its activities every year. 1138

The said Act also establishes a "Fondation pour le développement de la science et de la technologie" (Foundation for the Advancement of Science and Technology), which will have the following functions: to solicit and receive gifts, legacies, grants or other contributions; and to allocate all or part of its revenues to the three research support funds established by the Act in accordance with proportions determined each year. 1139

The "Fonds Marie Victorin", under the responsibility of the Minister of Education, will promote or provide financial support: for research carried out in post-secondary educational institutions; for the work of researchers who are not 1140

attached to any post-secondary educational institution; for the diffusion of scientific knowledge in all fields of research; and for the training of researchers by granting achievement scholarships to graduate and post-graduate students and to those who wish to re-enter the research community.

1141 The function of the "Fonds de la recherche en santé du Québec" (Québec Health Research Fund) will be to promote or provide financial support for research and for the training and advanced training of researchers in the field of health sciences.

1142 The function of the "Fonds de recherche en agriculture, en pêcheries et en alimentation" (Agriculture, Fisheries and Food Research Fund) will be to promote or provide financial support for research and for the training and advanced training of researchers in these fields.

1143 Finally, the Act creates the "Agence québécoise de valorisation industrielle de la recherche" (Québec agency for the Industrial Application of Research), which will have the following functions: to canvass the research communities in areas considered by the government to be a priority with a view to identifying new ideas and technologies that can be applied to new products and procedures, and to develop mechanisms for transferring and applying them; to promote research application projects and contribute financially to their realization, at all phases in the design process prior to production organization and marketing; to assist in administering and operating the departments' portfolio of patents; to encourage financial participation by individuals, partnerships and corporations in its activities concerning the industrial application of research; and to encourage Québec society to assume control of its own industrial research development and mastery of its technological development.

(3) Diffusion of information on scientific progress.

1144 See the comments in the preceding paragraph.

(4) Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human rights.

1145 For examples of legislation aimed at achieving the goals set out in this question, see the comments and references under paragraphs B(3) supra. The provisions of the Québec Charter of Human Rights and Freedoms are also relevant here, section 52, in particular, which gives it paramountcy over all other Québec laws.

C. Protection of moral and material interests of authors

(1) Principal laws, etc.

1146 This subject-matter is within federal legislative jurisdiction.

(2) Measures for the implementation of intellectual property rights.

1147 In September 1979, the Québec government set up a government intellectual property office, for which the Minister of Cultural Affairs is responsible. This office is concerned not only with creators of copyright material and the

activities of government departments and agencies but also with organizations and individuals using works protected by copyright.

In addition to carrying out research concerning copyright and preparing action plans in this area, the office promotes and defends the rights of creators and serves as an intermediary and catalyst for groups involved in promoting the rights of creators. It is also the office's function to co-ordinate, standardize and support the activities of government departments and agencies involving government copyright and any protected works it acquires or uses. Finally, the office deals with the public, of its own initiative or upon request, to provide it with information about copyright and the mechanisms whereby works may lawfully be used. The office also makes data and information on the subject available to members of the public and directs them to existing specialized agencies. 1148

The office regularly publishes an information bulletin on intellectual property and organizes sessions and meetings with different people involved in the area. It also provides support for organizations. In addition, it has developed different model forms for requesting authorization to reproduce documents. The office has also set up a documentation centre on copyright. 1149

D. Steps taken for the conservation, the development and the diffusion of science and culture

The steps taken by the Québec government in this area are summarized in paragraphs A and B supra. 1150

E. Freedom of scientific research and creative activity

The steps taken by the Québec government in this area are summarized in paragraph B supra. 1151

F. International co-operation

Québec has entered into a number of bilateral co-operation agreements in the cultural and scientific fields that provide for various mechanisms to promote, among other things, exchanges between researchers or creators, joint projects on topics of mutual interest, and so on. 1152

Québec intends to pursue this course, which is, in its view, one of the best ways of improving international contacts in these areas. 1153

SASKATCHEWAN*

ARTICLE 13: THE RIGHT TO EDUCATION

A. Principal laws

(1) Constitutional provisions

1154 The provision of education in the Province of Saskatchewan occurs within the general framework of the division of powers in the Canadian federation. This framework is specified in various constitutional documents.

1155 Section 93 of the Constitution Act, 1867 gives to provincial legislatures jurisdiction over education and sets out constitutional guarantees of the traditional educational rights of religious denominations in Canada.

1156 Section 17 of the Saskatchewan Act contains the constitutional guarantee of separate schools in Saskatchewan.

1157 The Canadian Charter of Rights and Freedoms contains minority language education rights which are binding upon the provision of education under provincial laws.

(2) Ordinary legislation

1158 The Education Act, R.S.S. c. E-01, provides for the establishment and operation of a complete tax-supported system of primary and secondary schools in the province including the establishment and operation of separate school divisions. The Act and its accompanying regulations provide for the division of responsibility for primary and secondary education between elected boards of education for school divisions and the provincial Department of Education.

1159 The general right to education is also provided for by this Act. Section 2(g) makes school attendance compulsory for persons "having attained the age of 7 years but not having attained the age of 16 years". Section 144(1) extends the right to education appropriate to age and level of achievement to every person between the ages of 6 and 21 years. Students have, in general, the right to attend school in the division where they reside. Special circumstances may require or permit attendance outside that division. Section 144(2) also makes the educational services mentioned in subsection (1) free of charge. No fees are charged, in particular, for tuition, textbooks or for transportation within the school division of the pupil's place of residence.

1160 The basic legislative framework for higher education in the province is provided by The Department of Continuing Education Act, R.S.S., c. D-10, The Community Colleges Act, S.S. 1981, c. 19, The University of Saskatchewan Act, R.S.S., c. U-6 and The University of Regina Act, R.S.S., c. U-5.

1161 Section 13 of The Saskatchewan Human Rights Code, R.S.S., c. S-24.1, provides that every person has the right to education in any educational institution without discrimination because of race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry or place of origin.

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* Report prepared by the Government of Saskatchewan.

B. Measures to promote the full realization of the right to education about human rights and values

(1) Full development of the human personality and the sense of its dignity

Section 178(1) of The Education Act provides that "every pupil shall be provided, insofar as is practicable within the policies and programs authorized by the board of education, with a program of instruction consistent with his educational needs and abilities ...". Section 227 provides that "... the teacher shall ... (b) plan and organize the learning activities of the class with due regard for individual differences and needs of the pupils ...". 1162

Educational policy in Saskatchewan has emphasized a number of educational objectives. The document, A Plan for the Reorganization of Instruction in Saskatchewan Schools (1963), lists these objectives as academic, cultural, social, vocational and occupational, moral and spiritual, and health and physical development. Courses of study in subjects such as social studies, health and physical education in elementary schools, and the social sciences in secondary schools pay special attention to the issues involved with developing the human personality fully. Curriculum objectives are under review at present. 1163

(2) Respect for human rights and fundamental freedoms

(3) Development of human rights teaching

(4) Effective participation of all persons in a free society

Two of the objectives of education in Saskatchewan stated in the 1963 document cited above are: to foster the growth of such virtues as honesty, integrity, sincerity and service to mankind to the end that all people may become good citizens, able and willing to contribute their best to society, and dedicated to the support and improvement of democracy; and to establish an intelligent appreciation of our democratic heritage, and understanding of the institutions of government, a deep regard for democracy and a growing awareness of the responsibilities of citizens within a democratic society and a world community. 1164

At each grade, the social studies curriculum contains citizenship components that include learning objectives related to individual rights and individual responsibilities in society. Extracurricular programs and work experience programs also contribute to the attainment of these objectives. 1165

(5) Promotion of tolerance

Objectives for education in Saskatchewan include: to develop a willingness to accept others, regardless of how they differ from us, and to promote a sense of world brotherhood and an awareness of the price of prejudice. 1166

Provision is made within the cultural component of the social studies curriculum to study a variety of cultures so as to establish an understanding of all types of cultural variation and to gain an appreciation of and tolerance for differences. Multicultural education is promoted by the department through the employment of a multicultural education consultant. 1167

(6) Furtherance of the activities of the United Nations for the maintenance of peace

1168 This objective is realized, in general, through extracurricular means. Students and teachers are encouraged to participate in model United Nations activities and to give informed support to UNESCO fund raising programs. Canada's role in the United Nations is studied in the grade 12 history program.

C. Right to primary education

(1) General and specific measures to achieve the full realization of the right of everyone to receive compulsory and free primary education

(a) General measures

1169 This right is considered to have been realized (see A.(2) above).

(b) Specific measures

(i) Young girls

1170 There are no specific problems ensuring the compulsory attendance of young girls in the school system. Hence, no special programs have been devised.

(ii) Children of low income groups

1171 The Saskatchewan Assistance Plan supports social assistance recipients by paying for supplies and other school-related expenses for children in primary and secondary schools and by providing tutors for students with special needs.

(iii) Children in rural areas

1172 Government grants to boards of education have been weighted in recent years in favour of small schools in areas of sparse population or declining enrollment. The objective is to recognize the inevitably higher cost of maintaining quality programs in such areas.

1173 In Northern Saskatchewan, funding has been provided for special projects designed to address age/grade deceleration and to develop innovative approaches to northern educational needs.

1174 Boards of education must provide free transportation for students living further than walking distance from schools. Rural municipalities have developed and maintain an intricate rural road network in part to ensure and enhance accessibility to educational facilities.

1175 Various sections of The Rural Municipality Act outline the jurisdiction to provide local autonomy (from rural councils) over decisions made in school divisions. School facilities are exempted from taxation by local rural municipalities.

(iv) Physically or mentally disabled children

The Education Act reflects the very high priority given to the education of the handicapped in Saskatchewan. Section 178 provides that a school principal or a parent or guardian may refer a handicapped child for professional evaluation. Section 184 requires boards to provide educational services on behalf of handicapped pupils as defined in the Act and its regulations. 1176

The Department of Education operates a residential school for the deaf. A special program for deaf/blind students was introduced in 1981. The Department provides regional coordinators of special education to supervise the identification, designation, and placement of handicapped pupils. Consultants specializing in particular handicapping conditions are available in the central office of the Department. 1177

The regulations provide parents and guardians with an appeal procedure for challenging either the suitability of the program provided for a moderately to severely handicapped child or the failure of the board of education to designate a child as moderately or severely handicapped. 1178

The foundation grant program provides funding for handicapped pupils in three "high cost" categories and one "low cost" category. Transportation and accommodation allowances are also provided where necessary. In addition, "high cost" funding is also provided for "development centres" for children with multiple handicaps. Such centres may be operated by either a board of education or an independent parent management board. There are more than 20 developmental centres in the province. 1179

(v) Children of immigrants and of migrant workers

Saskatchewan receives very few immigrants and migrant workers who do not speak English. However, schools can provide instruction in English as a second language and receive an additional grant based on the number of students in the program. 1180

(vi) Children belonging to linguistic, racial, religious or other minorities

Education for religious minorities

Historically, the Saskatchewan education system provided "separate" schools for Protestant and Roman Catholic minorities. In recent years, the only separate schools have been for Roman Catholic minorities. Separate school divisions have their own boards of education, which may administer both elementary and high schools. Roman Catholic parents may have their children attend a separate school within their separate school division and may choose to allocate their school taxes to the support of their separate school division. Some other religious groups operate private denominational schools. 1181

Section 181 of The Education Act permits religious instruction not exceeding two and one-half hours per week in school districts and divisions where authorized by local educational authorities. Instruction may be given in a language other than English. 1182

Education for linguistic minorities

1183 Section 180 of The Education Act and the associated regulations guarantee access to education in the French language in designated schools. Two types of designated programs are available - one suitable for Francophones and one suitable for Anglophones. Where numbers warrant, a program must be established in the local school jurisdiction. Where numbers do not warrant, students have the right to attend a designated school outside their home jurisdiction, at no cost to their parents.

1184 Programs for other minority language groups, notably Cree, German and Ukrainian, are available where there is some demand. In some cases, the minority language is used as the language of instruction. However, there is right of access only to programs in which French is used as the principal language of instruction.

(vii) Children belonging to indigenous sectors of the population

1185 The federal government is responsible for the schools operated by Indian bands or by the federal government for those who qualify to be registered as Indians under the Indian Act. The provincial government also provides special programs for persons of aboriginal descent.

1186 A community school program provides special funding for schools in designated communities. The objective of the program is to make the school more responsive to the needs of its clientele, especially persons of aboriginal descent, in certain disadvantaged urban areas.

1187 An alternative school program has established one "survival" school, mainly for persons of aboriginal descent who are not succeeding in the conventional school system.

1188 The provincial Department of Education is reviewing at present the recommendations of a special commission concerning curriculum development for pupils of aboriginal descent.

1189 Many programs developed for northern residents directly benefit persons of aboriginal descent because of the high proportion of them living in the north. These include the Northern Educational Opportunity Grant Program designed to address the problem of age/grade deceleration as well as a grants program to schools to foster innovative approaches to northern educational needs. (Further information is provided in Canada's Sixth Report on the International Convention on the Elimination of All Forms of Racial Discrimination).

(viii) Children under the care of the Province

1190 Section 44(1) of The Family Services Act requires the Minister of Social Services to provide for the expenses of sheltering, supporting, educating and caring for children (defined in the Act as a person under 16 years) committed to the care of the Minister.

1191 Educational programs are available to residents of provincial correctional centres and institutions for the care of children and adolescents. Teachers, tutors, educational resources, etc., are provided and participation in regular community programs is encouraged.

(ix) Pre-school or Kindergarten programs

During the mid-1970s, the government provided one-time grants to assist boards of education to set up a kindergarten program for children aged five. The government also recognizes spending on kindergarten education in its foundation grant funding formula. Most boards now provide such programs although it is not mandatory for them to do so or for children to attend. Approximately 94% of children eligible to attend kindergarten do so. 1192

(2) Percentage of children covered by primary education

Given that education is compulsory at the primary level, that transportation is available in remote areas, and that the handicapped have a right to education, virtually 100% of the children of primary school age receive educational services. 1193

(3) Extent to which primary education is free

Primary education is free to all who choose to attend a publicly supported school (See A.(2) above). Fees are charged by private schools. 1194

(4) Difficulties encountered

There are some difficulties in guaranteeing the same quality of educational service in all areas of a large, sparsely populated province. 1195

D. Right to secondary education

(1) Availability and accessibility

The Education Act guarantees access to free secondary education, if necessary to age 21. All school divisions must provide educational services at all grade levels. If the high school program is not offered locally, students must be conveyed to another school within the jurisdiction or the board may make arrangements (and pay any tuition fees that may be charged) for students to attend school in another jurisdiction. 1196

The Saskatchewan Government Correspondence School provides service, for a nominal fee, for school age and adult students who wish to take high school subjects by correspondence. 1197

Most of the provisions mentioned above respecting specific groups of children at the primary level also apply at the secondary level. 1198

(2) Technical and vocational secondary education

Technical education courses are offered in grades 8-12. These are intended to complement study of academic subjects. Job preparatory technical and vocational training are carried out in the post-secondary technical institutes. 1199

(3) Free secondary education

Secondary education is provided free in Saskatchewan for those who choose to attend public schools. 1200

(4) Difficulties

1201 The major problem in the delivery of secondary (interpreted in this report as "high school") programs is how to provide a reasonable selection of subjects in small rural high schools. This applies in particular to the provision of expensive technical and vocational training facilities.

E. Right to higher education

1202 In Saskatchewan, higher education includes a variety of post-secondary and continuing education programs. The institutional framework includes universities, technical/vocational institutes and community colleges. Universities provide higher education in the fields of the sciences, arts, humanities, etc. Technical/vocational institutes provide training for employment in a large number of program areas and are designed to develop knowledge skills and attitudes to enable people to make a contribution to the work of their choice. Community colleges offer courses to all residents of the local community in the areas of social, community and personal development based upon wants and needs identified in the local community.

(1) General and specific measures

a) General measures

1203 In general, higher education is available in these institutions to all who meet entrance requirements. Entrance requirements, in general, are based on academic performance criteria, age and proficiency in the language of instruction (which is English). Some problems exist for certain groups in meeting academic requirements and special programs have been developed to deal with their particular situations.

1204 In any one year, the number of applicants to universities or to technical institutes may exceed the capacity of those institutions. Institutions reserve the right to limit enrollment and preference is given to applicants with the best qualifications and to Saskatchewan residents. Part-time learning and extension courses are an expanding aspect of this system. Enrollment may be limited by the number of available spaces.

1205 Courses in Saskatchewan community colleges are open to all and are offered for credit or non-credit depending on the course. Where courses are offered by arrangement with technical institutes or universities, the entrance requirements of those institutions prevail.

(b) Specific measures

Mature students

1206 Older or "mature" students include those who earlier in their lives did not attain academic levels required under ordinary circumstances for entrance into university or technical institutes. These students may be admitted if counselling and assessment of abilities, aptitudes and related work experience indicate that success in the institution is likely. Failure to be admitted can be appealed.

Non-Status Indian and Métis Program

Non-Status Indians and Métis are assisted by the Province's Non-Status Indian and Métis Program in obtaining life skills, academic skills and professional training in order to compete effectively in modern society. The program provides assistance in the form of payments of tuition, book allowance and training allowances for full-time students. 1207

Vocational rehabilitation of disabled persons

Under the Vocational Rehabilitation of Disabled Persons Agreement, rehabilitative vocational training costs for mentally and physically disabled persons experiencing a vocational handicap are 50% shared with the federal government. Saskatchewan Continuing Education administers the training-related costs for those approved for training by the Provincial Training and Selection Committee. 1208

Training-on-the-Job (Special Needs) Program

Under the National Training Agreement (federal-provincial), training-on-the-job (special needs) services are provided to Canada employment centres' special needs clients, to facilitate the use of the General Industrial Training Program in the public and private employment sectors. Budgeted Public Service salary training costs are 100% reimbursable by the federal government, and private sector agency costs of the Program are negotiated. 1209

Northern continuing education

Programs developed for residents of Northern Saskatchewan include skill training to participate in recent resource developments, career counselling in areas of post-secondary education and vocation-specific training for northern residents to exploit the northern resource base. These programs are offered primarily through community colleges. 1210

(2) Financial and other assistance to students for higher education

Students are, in general, required to pay tuition fees. However, these fees are intended to cover only a small percentage of the total cost of their education. The difference is made up by governments and other sources in direct funding to institutions. 1211

Financial support for students is available in the form of scholarships, bursaries, and loans. The Student Financial Services Branch, Department of Advanced Education and Manpower, provides such support under The Student Assistance and Student Aid Fund Act and the Canada Student Loan Act. 1212

Scholarships are provided to grade 12 students, technical institute students, and university undergraduate and graduate students for academic achievement. Recipients are selected by the educational institutions. 1213

Loans and bursaries are provided to Saskatchewan residents where need is demonstrated. Canada Student Loans up to $100 per week of program are available to adult and post-secondary students. Similar amounts are provided through 1214

Saskatchewan Student Loans to students who do not qualify for the Canada Student Loans. Saskatchewan Student Bursaries are provided in conjunction with the loans.

1215 Under the Special Incentives Program, persons of aboriginal descent, northerners, and disabled persons who have high need can have the regular student loans and bursaries supplemented by a Special Incentives Bursary in amounts of up to $100 per week of program. As well, special costs are recognized for these students. Remission is also available for part of the loans taken out under the program for students who successfully complete each year of their program.

Specific measures

1216 Community colleges offer university programs and courses to rural parts of Saskatchewan at the same tuition rate as those offered on the university campus. This requires subsidies equal to the difference between actual cost and university tuition fees by arrangement with the participating university. In Northern Saskatchewan, the Northern Careers Plan has been developed to fund and counsel northerners (the majority of whom are of aboriginal ancestry) in areas of post-secondary education.

1217 The Saskatchewan Assistance Plan supports some university education for welfare recipients and for disabled persons and their parents and spouses.

(3) Factors and difficulties related to accessibility to higher education

1218 Populations which are sparsely settled over large geographical areas are difficult to service. This problem is especially evident in the northern areas of the province where a majority of the population is of aboriginal ancestry. A number of programs have been developed to deal with the special educational needs of northern residents (noted above).

F. Right to fundamental education

(1) General and specific measures to encourage and intensify fundamental education

1219 Since education in Saskatchewan is compulsory up to age 16, the right to fundamental education applies chiefly to older adults who were not subject to compulsory school attendance requirements and to new Canadians who may require second language training and upgrading of other fundamentals. Programs of fundamental education of these types are provided by community colleges run by the Department of Continuing Education. The colleges provide, in most cases, cost-free Adult Basic Education (ABE) for grades 1-12 and arrange for tutorials in English to be given by volunteers to illiterate persons. For a modest fee, colleges also provide English as a Second Language (ESL) programs for new Canadians.

(2) Factors and difficulties affecting implementation

1220 Lack of financial resources and recruitment of clients are the principal factors affecting the implementation of the right to a basic education up to the secondary school level, particularly in Northern Saskatchewan.

(3) Statistics

1221 The period 1975-80 showed a strong gradual growth in the number of individuals registered in Adult Basic Education classes (1975: 3,878; 1980: 5,561). In 1980-81, 4,431 persons accessed General Education Development (GED) and secondary school completion classes. In 1980-81, the ESL program was delivered to 2,214 persons. In 1980, approximately 575 trained literacy volunteer tutors were available and serving approximately 620 students. The program started up in 1978.

G. Development of a system of schools

(1) Principal laws

1222 The legislative framework for a system of schools at all levels is described above (see A.(2)). This system is considered to be complete in its essentials. Primary, secondary and higher levels of education are available to all provincial residents. Further development of this system will be aimed at its adaptation to changing educational needs, the refinement of existing services and the extension of specialized services for particular subgroups in the population, e.g., the handicapped and persons of aboriginal descent.

(2) Practical measures to develop a system of schools

(i) Financial measures

1223 At the primary and secondary levels, the operation of the Saskatchewan system is financed partly by a provincial government grant and partly by local property taxes assessed by the local boards of education. There is also an indirect contribution by the provincial government in the form of a partial rebate of property taxes to property owners and renters. Grants are also paid by the province to cover approved pupil transportation costs.

1224 The operation of the Saskatchewan system of universities, technical/vocational institutes and community colleges is funded principally from provincial general revenues. Tuition fees cover a small but significant percentage of total education costs. The federal government provides unconditional grants to provincial general revenues for the purposes of higher education in the province. Private donations provide some additional revenue.

(ii) Building of schools

1225 Capital construction costs are largely covered by the provincial government. At the primary and secondary levels, boards of education make a modest down payment (approximately 10%) and finance construction by selling debentures. The Department of Education authorizes school construction projects. Each project has to meet established criteria regarding space allocation, compliance with building codes, energy efficiency and accessibility for the handicapped.

1226 For institutions of higher education, funding is provided principally by the province through the Department of Advanced Education and Manpower in conjunction with the institutions involved.

(iii) Provision of educational material

1227 At the primary and secondary level, textbooks are provided free to students. The Department of Education maintains a Book Bureau that sells textbooks to boards of education at the most favourable prices available.

1228 The department evaluates print and non-print instructional material and produces some material also. Information is provided to teachers in a variety of annotated bibliographies and catalogues. Films are made available on free loan, and videotapes are dubbed without charge, by a film library.

1229 In collaboration with the Canadian Broadcasting Corporation, Saskatchewan and other provinces provide half an hour a day of school television programs.

1230 At higher levels of education, textbooks and school supplies are not generally supplied to students. Some instructional materials and services are supplied.

(3) Statistical and other data

1231 In 1980-81, there were approximately 200,000 kindergarten to grade 12 (K-12) students in 1,000 schools in Saskatchewan. Approximately 2,700 of these students were enrolled in private schools.

1232 School consolidation began on a wide scale in 1945 with the enactment of The Larger School Units Act. Some 5,000 school districts, each with its own school(s), have been replaced by larger units of administration. Today there are just over 100 school divisions. Approximately 50% of students attend school in an urban centre with a population of at least 5,000.

1233 Saskatchewan has two universities: the University of Saskatchewan in Saskatoon and the University of Regina in Regina. Presently, there are four federated colleges within the university system and seven affiliated colleges offering degree credit courses.

1234 Saskatchewan system of technical and vocational institutes involves three permanent institutes (and a fourth is planned) with extension and outreach capabilities throughout the province with the co-operation of the community colleges.

1235 The Community Colleges Act, 1973 established a system of adult and continuing education program delivery for the province. Since 1973, 16 community colleges have been developed in all regions of the province.

(4) Difficulties encountered

1236 The principal problem encountered in delivering educational services in Saskatchewan is how to develop administrative units that have a large enough student population to provide a full range of educational services without becoming so large geographically that access is made difficult. This problem is particularly acute in rural areas at the primary and secondary levels. The negative effects of size are reduced by the fact that, in rural areas, local boards of school trustees are still elected within the school districts that constitute school divisions. The local trustees have some residual responsibilities and can provide the community with a channel of communication to the divisional board of education.

H. Establishment of an adequate fellowship system

Information on programs of student assistance is provided above under E(2). 1237

I. Improvement of the material conditions of teaching staff

(1) Principal laws

The Saskatchewan Teachers' Federation (STF) is established by The Teachers' Federation Act. Teachers are required to belong to the STF and to possess a teaching certificate as conditions of employment. Certificates are obtained after four years of training. 1238

The Teacher's Federation Act governs collective bargaining for teachers in the province. Collective bargaining for teachers is carried out at two levels. Provincially, a committee consisting of four STF nominees negotiates a collective agreement with a government trustee committee consisting of five government appointees and four nominees of the Saskatchewan School Trustees Association. Items negotiated at the provincial level include salaries of teachers, allowances for principals and vice-principals, superannuation and group life insurance for teachers, and sick leave. Locally, a teacher bargaining committee negotiates with the employing board on items such as sabbatical and educational leave, salaries for substitute teachers, and special allowances for teachers. 1239

The Education Act provides procedures for hiring teachers and for terminating the contract of a teacher. There is provision for an appeal to a board of reference. 1240

(2) Measures to improve conditions

The STF is represented on a number of statutory boards and commissions dealing with such topics as teacher certification and classification, and educational relations. 1241

Apart from negotiating salaries that are generally competitive with those of teachers in adjacent provinces, Saskatchewan primary and secondary school level teachers have negotiated a superannuation plan and a group life insurance plan. Pensions are increased annually by a factor representing 80% of the annual cost of living increase. 1242

The Public Service Commission is responsible for the hiring and working conditions of instructors in the province's technical institutes. These individuals are treated in the same manner as other public employees coming under the Commissions's jurisdiction. In the community colleges, some full-time ABE instructors are represented by the Saskatchewan Government Employees Union; others work on a contract basis. University faculty and staff personnel are represented through unions or faculty associations. 1243

A teacher's salary is determined essentially by years of training and years of experience. A teacher who completes additional years of training qualifies for a higher salary classification. 1244

Continuing education opportunities are available for teachers in the form of university credit classes, locally arranged professional development workshops 1245

and non-credit summer courses. The Department of Education offers bursaries for teachers to attend summer university sessions to study in subject areas that are from time to time identified for priority emphasis such as special education, early childhood education or physical education. The Public Service Commission makes available career counselling and an educational leave program to all public employees including instructors employed in the province's three technical institutes.

1246 The Saskatchewan Teachers' Federation and the Department of Education have co-operated in a number of initiatives to encourage women to prepare themselves and apply for senior administrative positions in education.

1247 The Saskatchewan Urban Native Teacher Education Program and the Northern Teacher Education Program offer financial assistance and special training opportunities to encourage aboriginal people to become qualified as teachers.

1248 Instructors, primarily those teaching Adult Basic Education in community colleges, have an association, an annual conference, national meetings, and the opportunity to participate in curriculum and program development activities which serve to enhance their professional status.

(3) Teachers participation in planning

1249 The Education Act provides that the principal of each school is responsible for organizing the program of courses and instruction approved by the board of education for the school. Teachers participate, in consultation with the principal, in the assignment of teaching duties, the planning and evaluation of the school's instructional program and the development of procedures and standards for pupil evaluation.

1250 The Department of Education carries out curriculum development by establishing curriculum committees, which include practising teachers, to assist in courses development.

1251 Teachers are also represented on a major steering committee, the Program Policy Committee, and on all ad hoc committees dealing with particular aspects of educational programs.

(4) Difficulties encountered

1252 In rural areas, the great distances between schools works against the establishment of arrangements such as teacher centres that could increase interaction among teachers.

1253 Because jurisdiction over education rests mainly with the provinces, the various provinces must develop special intergovernmental mechanisms to exchange information on national developments in educational policy and to facilitate coordination of different approaches with overall national needs.

J. Right to choice of schools

(1) Principal laws, etc.

1254 Students may attend private schools. Private post-secondary level schools are regulated under The Private Vocational Schools Regulation Act. Private high

schools that meet certain minimum requirements receive per pupil grants comparable to those paid to public schools.

Various constitutional documents and provincial legislation provide a degree of choice within the system regarding dissentient and denominational educational systems and regarding the language of education (French or English) (see A.(1) above.) 1255

(2) The right of parents to the religious and moral education of their children in conformity with their own convictions

Since some parents object to aspects of the health program touching on moral values - such as instruction in human sexuality - it is the department's policy to require authorization of the board of education and the informed consent of parents before these courses may be offered. (See also C.(1)(b)(vi) above.) 1256

(3) Measures to promote respect for the right to choice of schools

The Department of Education via its Official Minority Languages Office and the Department of Culture and Recreation via its Multiculturalism Division are active in promoting education in minority languages. 1257

Community and alternative schools are being set up in areas where persons of aboriginal descent are concentrated to provide educational opportunities relevant to the particular needs and interests of their children including teaching of aboriginal languages. 1258

(4) Factors and difficulties in the realization of this right

In recent years the department has included in the assignments of three superintendents the supervision of private elementary schools. This is to meet the concern about the quality of the instruction provided in small private schools. Elementary private schools do not receive government grants and do not have to be registered or licensed. Consequently, it has been difficult to exert any influence over their programs. 1259

K. Liberty to establish and direct educational institutions

The parents of a small proportion of Saskatchewan students (roughly 1.3% in 1980-81) take advantage of this liberty to enroll their children in private schools. Secondary schools which meet departmental requirements receive government funding. Schools offering post-secondary training are controlled by legislation (see J.(1) above). Otherwise, the establishment of private schools is not controlled by legislation. The establishment of private schools generally reflects the desire of parents for a particular type of educational experience, e.g., one in conformity with their religious or moral convictions. In general, academic standards do not differ appreciably from other systems in the province and the Department of Education has assigned to the duties of some school superintendents the monitoring and support of private schools. 1260

ARTICLE 14: THE PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

Article 14 is not considered to apply to Saskatchewan because compulsory and free primary education has already been established and implemented. 1261

ARTICLE 15: THE RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. The right to take part in cultural life

(1) Principal laws

1262 The province has enacted several legislative acts which are designed to encourage and provide opportunities for public involvement in cultural activities.

1263 The Saskatchewan Human Rights Code provides guarantees of freedom of expression, religion and association which bind the provincial government and also govern conduct between private individuals.

1264 The Department of Culture and Recreation Act, c. D-11.3, S.S. 1983, establishes a department with general responsibility to monitor cultural, social and recreational developments in the province and to initiate, conduct and encourage programs, activities and facilities needed by the people of the province.

1265 The Heritage Property Act, S.S. 1979-80, c. H-22, as amended, provides to the responsible minister a wide range of powers for the preservation and conservation of heritage property in Saskatchewan. The Act permits the minister responsible to delay or prohibit any activity considered likely to result in damage to, or destruction of, any heritage property. Similar powers are granted to municipalities. The Act also regulates the treatment of archeological and paleontological objects. Research using these objects or their sites requires a permit from the minister responsible.

1266 The Provincial Parks, Protected Areas, Recreation Sites and Antiquities Act, R.S.S. 1978, c. P-34, as amended, authorizes the dedication of designated lands and waters to the people and visitors of Saskatchewan for healthful enjoyment and for the cultural, educational and social benefits that may be derived from them. In particular, the Act provides for the regulation of the use of provincial parks and the cultural resources within them. It also regulates the acquisition and disposal of objects of ethnological, archaeological or paleontological interest or significance and provides for salvage measures where prehistoric or historic remains are threatened with destruction or damage.

1267 The Saskatchewan Multicultural Act, c. S-31, R.S.S. 1978, enables the province to provide grants to encourage multiculturalism, thus assisting individuals and groups to increase the opportunities available to them to learn about their cultural heritage and the contributions of the cultural heritages of other multicultural groups in the province. The Act defines multiculturalism as: "... the preservation and development of the multicultural composition of the province and, without limiting the generality of the foregoing, includes the recognition of the right of every community, whose common history spans many generations, to retain its distinctive group identity, and to develop its relevant language and its traditional arts and sciences, without political or social impediment and for the mutual benefit of all citizens".

1268 The Public Libraries Act, c. P-39, R.S.S. 1978, provides for the continued existence of a Provincial Library, which acts as the central library and is responsible for overseeing and co-ordinating the development and operation of

municipal, regional and community libraries in the province and co-ordinating interprovincial and intergovernmental relations on library issues. The Library has to maintain specialized resource collections, run a bibliographic centre and provide services to remote areas of the province. In addition, The Public Libraries Act enables municipalities of the province to establish and fund, through municipal taxation, local libraries and, in concert with other municipalities, regional libraries, to serve two or more municipal jurisdictions.

The Archives Act, c. A-26, R.S.S. 1978, establishes the Saskatchewan Archives Board and regulates the disposition of all provincial government records. The Act empowers the Archives Board to solicit, acquire and preserve documentary material having a bearing on the history of Saskatchewan. The Act further requires the Board to maintain offices at the province's universities for the safekeeping, classification, indexing and public use of all public documents, court records and other materials bearing on the history of Saskatchewan and deposited with or acquired by the Board. 1269

The Arts Board Act, c. A-28, R.S.S. 1978, continues the Saskatchewan Arts Board established in 1949. The Arts Board is to promote opportunities for a high level of achievement in the performing arts, the visual arts, literature, crafts and other arts. This may include support for artists and for instruction in the arts. 1270

The Western Development Museum Act, c. W-12, R.S.S. 1978, establishes the Western Development Museum Board. The duty of the Board is to procure objects of historical value and importance connected with the development of Western Canada's industry, tools, machinery and implements. The Board is to arrange for the exhibition of these objects and to stimulate interest in the history of the economic and cultural development of Western Canada. 1271

The Recreational and Cultural Facilities Capital Grants Act, c. R-8, R.S.S. 1978, enables the province to make capital grants to municipalities and non-profit societies for cultural facilities. 1272

The Theatres and Cinematographs Act, c. T-11, R.S.S. 1978, establishes the Saskatchewan Film Classification Board. The Film Classification Board must approve and classify all films intended for public exhibition in the province. A film exhibited in the province which has not obtained the board's approval or otherwise does not conform with the requirements of the Act is liable to seizure and confiscation. Films seized may be redeemed within 30 days and no alterations to the film may be made unless authorized by its owner. The Act also prohibits advertising a film in a way which is injurious to public morals or opposed to the public welfare, and it restricts individuals younger than 18 from attending films classified as unsuitable for that age group. 1273

(2) Practical measures

(a) Financial support

The Government of Saskatchewan, in fiscal 1982-83, spent approximately $8 million in support of cultural activities and institutions. In addition, $1.3 million was set aside from public lottery receipts to support cultural development. 1274

1275 Activities of the Saskatchewan Arts Board include: operating grants to professional performing arts groups; training and development grants to individual artists; grants to publishing houses and film companies for particular projects; and grants to art exhibitions. It also operates a school for the arts.

1276 The Saskatchewan Archives Board actively encourages original historical research by both professionals and amateurs. This is done through instructional workshops and publications on how to conduct historical research and how to use the archives, through speeches and exhibitions, and by providing personal reference assistance to all who write, telephone or visit the archives.

1277 Government support through the Department of Culture and Recreation assists the development of heritage, multicultural and arts organizations throughout the province. Incentive grants are provided to heritage property owners for restoration, and to museums and galleries to improve their operations. Financial support is provided to encourage intercultural activities, to promote multiculturalism and to teach heritage languages. Assistance is provided to Indian and Métis communities to help their efforts at retention of traditional cultural, social and economic pursuits.

1278 A number of initiatives have been developed specifically for residents in the northern isolated sections of the province by the Department of Northern Saskatchewan. These include the production of Northern News radio broadcasts, a magazine aimed at northern residents and special events for northern populations such as the 1980 Northern Summer Games and Cultural Festival.

(b) Institutional infrastructure

1279 A wide variety of institutions provide the infrastructure for the development and delivery of cultural services and opportunities. This mix includes municipal governments, provincial non-governmental organizing bodies and local community based organizations, groups and businesses as well as the government bodies noted above (see A.(1)). These institutions operate and deliver a wide range of services and facilities. Joint action between the various institutions is frequent.

1280 Municipal authorities provide local cultural facilities, encourage and assist community sponsored cultural activities, and operate museums and libraries. The provincial government owns or operates museums, historic parks and centres for the arts. Community organizations sponsor museums, galleries and theatre groups. Commercial enterprises operate a number of cultural industries including cinemas, bookstores, art galleries and radio and television stations.

(c) Overall policy

1281 The province's overall cultural policy is currently under review.

(d) Enjoyment of cultural heritage

1282 The Department of Culture and Recreation provides financial and consultative assistance to ethnic and multicultural organizations wishing to conduct ethnic research, mount retention or preservation programs, heritage language classes or multicultural festivals.

The Provincial Library has a multilingual collection consisting of some 53,000 titles in 29 languages as well as multicultural resource materials in its English language collection. These materials are available for use by all public libraries in the province. The Library has also developed a special collection of books on the province's aboriginal peoples and it maintains contacts with aboriginal groups in the province to facilitate input into the development of the collection. 1283

The Archives Board's publications program supports and encourages the writing of major works on provincial and national subjects in order to foster a greater sense of provincial and national cultural identity. In addition, the Archives actively encourages and assists (through local workshops, publications and reference service) community groups in preparing and publishing histories of their communities. Over 150 such community histories have been published in Saskatchewan in the last two years. 1284

The Archives Board works closely with ethnocultural groups in the province, cooperating to record and document the contributions these groups have made to provincial development. Material has been published for distribution to schools and libraries. In its oral history program, the Archives Board has focussed on the history of the Native community and of other ethnocultural groups, employing interviewers from the communities involved to record their own history. 1285

In correctional and child/juvenile care programs increasing attention is given to cultural development and, in particular, to that of the province's aboriginal peoples. Priority is placed on the recruitment of staff and foster and adoptive parents of aboriginal descent. Cultural awareness programs are made available to all staff. In institutions, traditional celebrations and visiting by Elders are encouraged. Aboriginal persons are used extensively in an advisory capacity (e.g., as members of regional planning committees involved in placement decisions for foster care). 1286

Additional information under this heading can be found in Saskatchewan's submission in Canada's 6th Report on the International Convention on the Elimination of All Forms of Racial Discrimination. 1287

(e) Role of the media

As in the rest of Canada, Saskatchewan enjoys a mix of public and private broadcasting systems. Newspapers in the province are privately owned and run. All forms of news media emphasize a mix of national, regional and local programming. 1288

The Provincial Archives serves journalists and radio, TV and film producers who may use the visual, audio, film, and textual resources of the archives in any documentary touching on the history of Saskatchewan. In turn, the Archives has agreements with several broadcasters to preserve radio and TV material concerning provincial culture and history, and the Archives routinely microfilms all weekly newspapers in the province for preservation. 1289

(f) Preservation of mankind's heritage

See A.(2)(a) above. 1290

(g) Freedom of artistic creation and performance

1291 See A.(1) above.

(h) Professional education

1292 The province's two universities both offer fine arts programs as well as extensive humanities programs. The Saskatchewan Arts Board assists financially with professional workshops in all the arts and crafts both through Individual Assistance Grants and through the Saskatchewan School of the Arts.

(i) Other measures

1293 Public, regional and provincial library informational services are provided without charge to all Saskatchewan residents.

(3) Difficulties

1294 Saskatchewan has a small disparate population with no major metropolitan area. Consequently, it is more difficult to provide public access to a broad spectrum of cultural activities. With a relatively small diffused marketplace (less than one million people) professional artists and arts organizations and institutions find it difficult to sustain themselves.

B. The right to enjoy the benefits of scientific progress and its application

(1) Principal laws

1295 A number of provincial laws bear directly on the promotion of the right to enjoy the benefits of scientific progress and its applications including those aimed at the conservation, development and diffusion of science.

1296 The Research Council Act, c. R-21, R.S.S. 1978, created the Saskatchewan Research Council whose duties are to "take under consideration matters pertaining to research and investigation in the fields of the physical sciences, pure and applied, as they affect the economy of the province ...". The Act also establishes the Research Council Fund from which expenditures may be made by the Council to carry out its duties including the funding of activities aimed at the conservation, development and diffusion of science.

1297 The Science Council Act, c. S-39, R.S.S. 1978, created the Saskatchewan Science Council. The role of the Council is, in general, to acquire, develop and disseminate scientific and technological knowledge in order to promote the industrial, economic and social development of the province.

1298 The Economic Development Foundation of Saskatchewan Act, S.S. 1980-81, c. E. 0.02, established the Saskatchewan Economic Development Corporation (SEDCO). SEDCO's role is to foster economic growth in the province by providing a range of financial, industrial and property services to virtually all sectors of the provincial economy.

1299 The Agriculture Research Foundation Act, c. A-14, R.S.S. 1978, created the Saskatchewan Agricultural Research Fund. The income from the investments of the

fund are to be used to fund scientific research in the agricultural field and to provide scholarships to Saskatchewan students wishing to study agriculture.

As well, many departments (see below) are empowered by their departmental acts to make grants on behalf of scientific and technical research in areas of concern to them. The promotion of such research in many cases is considered part of their mandate. 1300

(2) The application of scientific progress

In late 1983, the Saskatchewan Department of Science and Technology was created to facilitate, monitor, and encourage research and development in science and technology in the province. Its mandate includes increased public awareness of the issues surrounding the development and application of new technologies in society. 1301

The Department of Consumer and Commercial Affairs Act, c. D-9, R.S.S. 1978, (as amended), establishes a provincial department to assist members of the public in operating effectively and in obtaining their rights in the marketplace. The department assists consumers in resolving complaints with respect to the products and services they purchase. 1302

The Department of Industry and Commerce provides financial assistance to Saskatchewan-based processors and manufacturers for the development of new products, their improvement and their testing as may be required by regulatory agencies. It also provides funds for research and development. 1303

The Department of Highways and Transportation carries out research on the design, construction and maintenance of roadways. 1304

The Saskatchewan Economic Development Corporation runs Innovation Place, a research park adjacent to the University of Saskatchewan. Innovation Place is intended to attract and to accommodate research development in Western Canada. 1305

The Saskatchewan Research Council is involved in a wide range of research projects including projects in the fields of agriculture, environmental impact, assessment and engineering, natural resources, industrial and technological research and development, and occupational safety. It also provides grants to Saskatchewan universities for applied research in the sciences. 1306

Government funds for health research are directed to in-house research or are allocated by health-related independent boards and commissions. Major funding institutions include the Health Research Board, the Low Level Radiation Fund, the Psychiatric Research Division, the Saskatchewan Cancer Foundation, and the Saskatchewan Alcoholism Commission. 1307

Agricultural research and development

The Government of Saskatchewan provides a significant contribution to agricultural research and development because of the fundamental importance which this industry has for the economic condition of the province. Six branches of the Department of Agriculture are involved directly with research and extension: the Marketing and Economics Division; the Plant Industry Branch; the Animal Industry Branch; the Family Farm Improvement Branch; the Irrigation Extension Branch; and the Regional Extension Services Branch. 1308

1309 Through contracts and grants, research institutions and projects are supported by the department. FarmLab, an on-farm demonstration program, ensures that research results reach producers.

1310 The department granted $2.67 million in the 1981-82 fiscal year to research institutions within the province. An additional $1.33 million was spent on specific outside contracts and in-house research. These figures do not include the personnel costs of extension services.

1311 The Saskatchewan Agricultural Services Co-ordinating Committee works to avoid unnecessary duplication of research and to ensure that the research priorities are treated as such. Working with various advisory councils and submitting an annual report to its national counterpart, the Committee facilitates communication between researchers, administrators and producers, to ensure coordination of both priorities and research being carried out.

1312 The Department of Agriculture does not govern the behavior of the professional staff and researchers. However, various pieces of legislation, such as The Agrologist Act, set out codes of ethics for members of various societies, giving the societies the authority to discipline members who violate their code.

1313 Through the Saskatchewan Agriculture Research Fund, the interest from a $3.25 million fund is awarded each year in grants to research that is of benefit to Saskatchewan agriculture. The funding level is approximately $450,000 per year.

1314 Other information on Saskatchewan relevant to this section for issues related to health, workplace and environmental quality and safety is included in Canada's reports on Articles 6-9 and 10-12 of the Covenant.

(3) Measures to promote the diffusion of information on scientific programs

1315 The Saskatchewan Research Council publishes a wide range of research monographs. The Department of Industry and Commerce is active in promoting trade shows and seminars designed to introduce new industrial ideas and processes. The Department of Consumer and Commercial Affairs provides free-of-charge resource materials to teachers and others and educational seminars on consumer and commercial matters. The Department also operates a "product information service" to assist consensus in purchasing decisions. The Regional Extension Services Branch of the Department of Agriculture provides information and advice to the farming community including the reports of projects conducted under the auspices of the Agricultural Research Foundation. Many other departments, by press releases and other public information services, provide information regarding the latest developments in their areas of concern. Departmental libraries are generally open to the public upon request.

1316 To promote the diffusion of information on scientific progress the Provincial Library provides specialized reference services using a collection of approximately 150,000 books, 1,000 periodical subscriptions and backfiles, extensive holdings in government documents, pamphlets and microfilm which supplement material held by other libraries. More than 160 data bases are now available as part of the computer search services. Direct use via data transmission lines to large computers in Canada and the United States provide almost instant access to

millions of references to books, newspapers, journal articles, government documents, reports, studies and unpublished research.

(4) Prevention of the use of scientific progress for purposes contrary to human rights

See B.(2) above for the activities of the Department of Consumer and Commercial Affairs. See also Canada's Report on Articles 10-12 of the Covenant for information relating to health, occupational and environmental quality and safety. The measures guaranteeing in law the protection of human rights also apply. 1317

(5) Restrictions upon the exercise of this right

In general, there are no significant restrictions on the exercise of this right. Restrictions may be implied to the extent that the exercise of this right violates other human rights. In particular, the right to privacy and confidentiality of personal information is protected by a number of pieces of health legislation. An interagency committee concerned with health issues reviews all requests for access to health data for research purposes, to determine whether such release would constitute a violation of confidentiality. 1318

C. Protection of the moral and material interests of authors

(1) Principal laws

This subject is primarily under federal jurisdiction and the principal legislation in the field is the federal Copyright Act and Patent Act. 1319

(2) Practical measures

The public libraries of Saskatchewan are committed to purchasing works by provincial and national authors. They also promote an enhanced awareness of Canadian and Saskatchewan writers among Saskatchewan residents. 1320

All researchers wishing to obtain copies of unpublished archival documents are advised that the Archives does not claim copyright and that the authors/creators of archival documents or their heirs may retain certain rights without time limitation. 1321

In accepting the donation of major collections wherein copyright is a key element, as in photographic, architectural and broadcast archives, the Archives Board enters into formal agreements with the donor and/or the copyright holder to allow fair dealing for research purposes and to ensure that any royalties accruing from publication or rebroadcast go to the copyright holder. 1322

(3) Difficulties affecting the degree of realization of this right

In dealing with unpublished archival documents, the federal Copyright Act creates a tension between the rights of authors as creators of intellectual property and the legitimate needs of authors as historical researchers. By not recognizing any limitation on the term of copyright in unpublished materials, and by not exempting archives under the fair dealing provisions of the Act, historical research would be seriously hampered if Archives applied the letter 1323

of the law. Fortunately for historical research, but regrettably for the rights of authors, under current federal legislation, copyright in unpublished or in works of limited publication seems impossible to enforce.

D. Steps taken for the conservation, the development and the diffusion of science and culture

1324 Information on the conservation, the development and the diffusion of culture was provided above under sections A and B.

E. Right to freedom of scientific research and creativity

(1) Principal laws ... or other arrangements

1325 Employees of the government may take educational leave to pursue special studies.

1326 See also A.(1) and B.(1) above.

(2) Necessary conditions and facilities

1327 The government provides financial and consultative support to the enjoyment of this right via a number of government departments and agencies.

1328 See also A, B and D above.

(3) Exchange of information

1329 A number of government departments and agencies sponsor, fund or publish journals, newsletters or periodicals with this purpose. The Saskatchewan Archives Board publishes an historical journal on Saskatchewan. The Saskatchewan Arts Board provides operating grants for periodicals.

1330 Some government departments and agencies will sponsor or fund conferences and seminars with this purpose. For example, the government contributed funds to the 1983 national meeting of the Institute of Public Administration in Regina. Departments and agencies also support the participation of their employees in conferences or seminars directly related to their work responsibilities.

1331 See also F below.

(4) Support for learned societies ... and other organizations

1332 Some government departments and agencies fund these types of organizations and institutions. For example, funding has been made available by Intergovernmental Affairs to research organizations concerned with federal-provincial relations and with the Prairies' social and economic issues.

1333 See also A, B and D above.

F. Encouragement and development of international contacts and co-operation in the scientific and cultural fields

(1) Principal laws

Many of the institutions referred to in A.2 above are empowered by their enabling legislation to enter into joint agreements with other agencies with similar goals. 1334

(2) Practical measures

International cultural relations are primarily a federal responsibility. The province works with the federal government to encourage international cultural exchange and co-operation. Whenever appropriate, the province takes part in projects arranged through international accords or otherwise. 1335

Some departments of the government with specific scientific and cultural concerns maintain international contacts to keep abreast of the latest developments in their field of specialization. Funding is provided for staff to participate in seminars, conferences, etc., at the international level, with a view to fostering a mutual exchange of ideas and experiences with their counterparts in other countries. This is the case, for example, at the Department of Highways and Transportation which encourages its staff to carry membership in international scientific organizations and to converse freely with their counterparts in other countries without any restrictions on data being communicated. The department itself participates actively in organizations such as the Organization for Economic Cooperation and Development. Another example is the Psychiatric Research Division of the Saskatchewan Department of Health whose personnel is involved with international societies and journals. 1336

NEWFOUNDLAND*

ARTICLE 13: RIGHT TO EDUCATION

General

1337 In the Preamble to The Newfoundland Human Rights Code, R.S.N. 1970, c. 262, the legislature of the province explicitly proclaimed the desire of the province to recognize and strengthen the respect for human rights and fundamental freedoms.

1338 The Newfoundland Human Rights Code, as amended in 1974, 1981 and 1984, section 14(c), states that it is the function of the Newfoundland Human Rights Commission to develop and conduct educational programmes and research designed to eliminate discriminatory practices relating to race, religion, religious creed, sex, marital status, physical disability, mental disability, political opinion, colour or ethnic, national or social origin.

1339 The Newfoundland Human Rights Commission, through the use of print and electronic media and the attending and holding of meetings with the public and interested groups and organizations in various areas of the province, is continually promoting an understanding of fundamental human rights and freedoms.

Access to primary and secondary education

1340 The School Attendance Act, 1978, S.N. 1978, c. 78, provides that every person having the care of a child shall present the child for enrolment at a school of that person's selection and ensure the child's attendance at that school unless excused by or under the Act.

1341 With regard to compulsory school age, the Act applies to every child who is six years of age or over and under the age of fifteen years.

1342 During the 1981-82 fiscal year, 35 school boards operated 660 schools throughout the province with an estimated enrolment of 146,825 students. In addition, there are schools in five hospitals.

1343 The Manpower Training Division of the Department of Career Development and Advanced Studies is responsible for the implementation of the apprenticeship training programme for the province. The Apprenticeship Act, R.S.N. 1970, c. 12, section 9(1)(a), provides that the Provincial Apprenticeship Board shall, for the purposes of the Act, determine whether a trade is a skilled trade and appropriate for a contract of apprenticeship and, if it so determines, shall designate that trade by name as being appropriate for a contract of apprenticeship.

1344 The trades presently included in this programme are: bricklaying and masonry, joinery, carpentry, electrical construction, heavy duty repair, industrial electrical, industrial instrumentation, industrial mechanic, machinist, auto body repairer, motor vehicle repairer, operating lineman, plumbing and domestic heating, sheet metal worker, steamfitter - pipefitter, cooking (commercial), painting and decorating, welding, boilermaker, oil burner mechanic, construction

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* Report prepared by the Government of Newfoundland.

lineman, small equipment repair, carpenter (pilot project), barbering and beauty culture.

Apprentices are responsible to employers under a contract of apprenticeship and become registered with the Manpower Training Division. Plans of training are developed outlining the required qualifications, the terms of apprenticeship, hours of work, wages and work schedules. The apprenticeship programme has no restrictions with respect to race, religion, or sex. 1345

Contracts of apprenticeship can be entered into provided that two basic requirements are met: the applicant is 16 years of age and has a grade 10 education. 1346

In-school training is provided and includes an allowance for transportation costs to and from the training institution. In addition, apprentices receive training allowances while attending in-class training in accordance with a rate schedule which take into account the number of dependents and other factors. 1347

The Technical and Vocational Training Act, R.S.N. 1970, c. 370, section 8, provides for the establishment, in appropriate localities, of schools to furnish technical and vocational training of such character and extent as will most efficiently meet the requirements of the population, industries and businesses of the localities. There are 18 such schools located throughout the province offering instruction in 67 trades and occupations. 1348

Access to higher education

Under The Memorial University Act, R.S.N. 1970, c. 231, section 8(1), the University must provide to the full extent which its resources from time to time permit: such instruction in all branches of liberal education as may enable students to become proficient in and qualify for degrees, diplomas, and certificates in science, commerce, arts, literature, law, medicine, and all other branches of knowledge; such instruction, whether theoretical, technical, artistic, or otherwise as may be of especial service to persons engaged or about to be engaged in the fisheries, manufactures or the mining, engineering, agricultural, and industrial pursuits of the province; and such extra-collegiate and extra-university instruction and teaching and such public lecturing, whether by radio or otherwise as may be recommended by the Senate. 1349

In an effort to fulfill this legislative requirement Memorial University of Newfoundland established the Sir Wilfred Grenfell College at Corner Brook to provide for some of the academic needs of the residents in the western region of the province on a full-time or part-time attendance basis. The University, through an Extension Service, offers courses throughout the province. 1350

During the 1979-80 academic year, there were 6,107 full-time students and another 750 students participating in graduate studies. During the same period, there were 3,170 students registered through the part-time extension services of Memorial University of Newfoundland. 1351

The full extent of participation in higher education may best be illustrated by the statistical information released by the Division of School Services, Department of Education, and contained in an appendix to this report. 1352

Access to adult education

1353 The Department of Education has the exclusive mandate to provide academic upgrading or second chance educational opportunities to undereducated adults throughout the province. This responsibility is exercised either directly by the Department of Education or though an agency of the Department.

1354 The objectives are to reduce the level of functional illiteracy amongst adults and to provide them with another opportunity to achieve academic certification up to the secondary level. This would, if they so desire, enable them to qualify for further training and employment.

1355 In an effort to achieve these objectives, the Department of Education has established basic education programmes, ranging from pre-reading through to the completion of the secondary level, which are offered in urban and rural locations throughout the province. Students attend on a full-time basis for up to 52 weeks. Services are free and, in most cases, students receive a training allowance. This programme is offered in approximately 20 locations and caters to approximately 1000 students.

1356 In addition to the full-time programme, a part-time programme, given mainly in evening classes, is available in any community where a minimum of ten students enroll, or, in the case of literacy level classes, five students enrol. On an average, this programme has been offered in approximately 150 communities annually.

1357 Further, during 1977 the programme Teachers-on-Wheels was established in the City of St. John's. The programme is voluntary, and evolved from a concern about the extent of illiteracy among adults in the province. Teachers-on-Wheels recruits volunteers, trains them as tutors, and matches them with individuals who have reading difficulties. Instruction takes place on a one to one basis, usually in the client's home, at no cost to the client. Efforts are being made to organize Teachers-on-Wheels in communities around the province.

Establishment of an adequate fellowship system

1358 Fellowships are awarded without prejudice by an independent board to students participating in post-graduate studies at Memorial University of Newfoundland. At present, the basic fellowship is for the sum of $5,000, which may be supplemented depending on circumstances which are examined on an individual basis. Currently, approximately $500,000 are awarded annually in fellowships.

Improvement of the material conditions of teaching staff

1359 In an effort to provide continuous improvement in the material conditions of teaching staff, the Department of Education has ensured representation of the Newfoundland Teachers' Association on all committees within the Department which are involved in educational planning.

1360 The province is actively participating in an educator exchange programme with Australia, the United Kingdom, the United States, and the Province of Ontario.

1361 Educational leave currently runs at five teacher equivalents per year and there are a number of professional development days available to teachers annually.

Right to choice of school

In general, parents and legal guardians have a right to have their children educated in a denominational school, and denominational school boards have the right to give preference to children of their persuasion. However, The Schools Act, R.S.N. 1970, c. 346, provides that a school board shall not refuse admission to a child to any school under its control if it can be demonstrated that it is not feasible for the child, because of distance or other valid reason, to attend a school of his own religion. 1362

Section 64 of the Act further provides that no person shall, in any college or school aided by money granted under the Act, impart to any child attending it any religious instruction which may be objected to, in writing, by the parent or guardian of that child. 1363

In an effort to ensure the right of parents to choose a school for their child and to ensure an adequate education for children, six communities in the province have been designated Native, Innu or Inuit, and as such offer instruction in these languages. This arrangement permits Native students to attend schools in their home communities and receive instruction in their own languages. The funding for capital and operating costs is provided under a federal-provincial agreement. 1364

Schools in the province offer French immersion programmes. 1365

Liberty to establish and direct educational institutions

Sections 68 and 69 of The Schools Act regulate the establishment of educational institutions other than public or denominational schools. 1366

Section 68 provides that a person shall not establish or conduct a private school anywhere in the province without the prior written permission of the Minister. When it is proposed to commence the operation of a private school, the persons who propose to operate it shall furnish to the Minister the names of the persons who will own and operate that school, the purpose for which the school is to be established, the classes to be taught, and such additional information as may be requested by the Minister. 1367

Section 69 provides that, before permission to operate a private school is given, the applicant must satisfy the Minister that the buildings or premises to be used by the private school are adequate, that unless the Minister otherwise approves in writing, the courses of instruction offered in the private school will follow the courses prescribed by the Minister, and that the teachers to be employed in the private school hold valid teaching certificates. 1368

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

The principle of compulsory education, free of charge at primary and secondary levels for all children, has for many years been and continues to be one of the foremost commitments of the Government of Newfoundland and Labrador. 1369

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS

A. Right to take part in cultural life

1370 The Department of Culture, Recreation and Youth operates five arts and culture centres under the supervision of the Cultural Affairs Division. These centres are located at St. John's, Gander, Grand Falls, Corner Brook, and Stephenville. The aim of these centres is to provide members of the public with an opportunity to view programmes that may excite an interest in what is happening on the community, provincial, national and international scenes.

1371 The presentation of the centres are designed to have wide appeal, to foster an appreciation of the distinctive qualities of our provincial heritage and to offer an insight into the artistic developments of other cultures. There are many signs that emphasis on artistic and cultural activities is making a marked contribution to the quality of life of our people. The theatre community of St. John's has gained nationwide recognition for its vitality and accomplishments. Native people of isolated communities have been provided an opportunity to develop, in plays and songs, the story of their cultures and to present their work to audiences outside our provincial borders. Government incentives and awards, and contributions from private donors, have spurred our authors, artists and poets to enrich us with the products of their industry and imagination. Our musicians range far and wide across Canada to the appreciation of enthusiastic audiences. The opportunities for our people to have rewarding artistic and cultural involvements are many and increasing.

1372 In addition, a number of historic sites of provincial and national interest, and also of international interest, are preserved. This is the responsibility of the Historic Resources Division of the province, in cooperation with Parks Canada.

1373 L'Anse-aux-Meadows, site of the first known location in North America of a landing by Europeans around the year 1000 was distinguished by being the first historic site to be placed on the Unesco's World Heritage List of cultural and natural sites of outstanding universal value.

1374 The Port au Choix National Historic Park produced evidence confirming the area was inhabited over 4,000 years ago. The site has revealed immense information about ancient Indian culture.

1375 The Basque Whaling Archaeological Site at Red Bay, Labrador, has revealed evidence of a settlement established in the 16th century by Spanish Basque Whalers.

1376 Many communities throughout the province maintain museums to preserve the culture of the regions they serve and as reminders of the progress of mankind.

1377 The Arts Council Act, S.N., 1980, c. 4, section 3, states: "The purpose of this Act is to establish a Newfoundland and Labrador Arts Council to foster and promote the study, enjoyment of and the production of works in the arts of the province and to encourage the preservation and public awareness of cultural heritage".

1378 It is the mandate of the Council to foster and promote through grants and otherwise the traditional arts of the province and the arts of groups indigenous to

the province and to assist through grants and otherwise in the development of provincial amateur and professional artists and art organizations.

In accordance with section 6(1) of the Act, the Council is composed of 12 members appointed by the Lieutenant-Governor in Council. The people serving on the Council reflect both the geographical and cultural heritage of the province. 1379

The Council receives applications for funding from all areas of the province and for all disciplines of the performing and visual arts. The Council makes its programmes known in publications throughout the province and regularly seeks applications for funds through public advertisements and the holding of public meetings in various parts of the province. 1380

Both the Cultural Affairs Division and the Historic Resources Division of the Department of Culture, Recreation and Youth, through press releases and advertisements, make the visitors to and residents of the province regularly aware of the programmes carried on by their operations in the various parts of the province. 1381

B. Right to enjoy the benefits of scientific progress

For over 100 years Newfoundland has recognized the right of everyone to enjoy the benefits of scientific progress. The Heart's Content Cable Station, site of the first successful transatlantic telegraph cable landing in 1866, and Signal Hill National Historic Park, the site where Guglielmo Marconi received the first transatlantic transmission of wireless signals in 1901, serve as vivid reminders of the prominent role the province played in the early development of modern communications sciences. The Aviation Exhibits at Gander International Airport graphically illustrate the role of Newfoundland in the early pioneer years of transatlantic aviation. 1382

The Newfoundland Research Council Act, R.S.N. 1970, c. 269, establishes the Newfoundland Research Council. Under section 19 of the Act, the Council has the duty to consider matters pertaining to research and investigation in the fields of pure and applied sciences as they affect the economy of the province and such particular matters as may be brought to its attention by the Lieutenant-Governor in Council or the Minister of Development. 1383

Under The Department of Development Act, S.N. 1973, c. 32, as amended in 1981, the powers, functions and duties of the Minister of Development include the supervision, control and direction of all matters related to the promotion generally of the development of the province. The Minister makes inquiries into and reports upon legislation respecting development, in force in Canada and throughout the world and, on the basis of such inquiries and reports, makes such recommendations as may be deemed advisable with regard to the laws of the province. 1384

Under The College of Trades and Technology Act, R.S.N. 1970, c. 49, the College of Trades and Technology, with the assistance of its advisory committees, made up of representatives from the provincial and federal governments and industry, offers technical and vocational training programmes. 1385

The College of Fisheries, Marine Engineering and Electronics, which is located in St. John's, is highly regarded throughout the world. It was established 1386

under the College of Fisheries Act, R.S.N. 1970, c. 48, and it provides technical and vocational training and also conducts research into fisheries, navigation, marine engineering and electronics and other related sciences. The College has provided great assistance in the training of students from Third World countries and, though they are not now as prominent on campus as they once were, the College still arranges programmes for them when a need is identified. The drop in enrollment of these students resulted from a policy decision by the Canadian International Development Agency to send experts to help them in their own countries. However, in 1983 the College conducted a programme which included practical experience in industry which was attended by 12 persons representing 6 countries.

APPENDIX

ENROLMENT IN POST-SECONDARY INSTITUTIONS

	MEMORIAL UNIVERSITY			COLLEGE OF TRADES & TECHNOLOGY			COLLEGE OF FISHERIES			VOCATIONAL SCHOOLS		BAY ST. GEORGE	
	FULL-TIME	GRADUATE	PART-TIME EXT.	FULL-TIME	APPRENTICE	PART-TIME EXT.	FULL-TIME	SHORT COURSES	PART-TIME EXT.	FULL-TIME	PART-TIME	FULL-TIME	PART-TIME
1979-80	6107	750	3179	2300	1087	1816	739	1591	210	3658	N/A	1401	1729
1978-79	5866	792	2717	2204	1275	1715	782	1502	449	4065	N/A	1336	1219
1977-78	6413	857	2594	2403	1235	1670	748	1543	1173	3833	N/A	1443*	2025
1976-77	6244	812	2694	2036	1422	1729	762	1375	1125	5417	N/A		
1975-76	5812	830	2888	1971	1548	1791	736	1363	911	5788	N/A		
1974-75	5596	853	3233	1787	1439	1603	931	1710	781	5582	N/A		
1973-74	6048	753	3134	1448	1312	1415	718	2075	1208	5173	13896		
1972-73	6966	702	3240	1558	1086	1389	572	1855	1190	5300	8728		
1971-72	6729	640	3281	1866	880	1406	491	1821	1485	5161	9843		
1970-71	6076	481	2747	1550	850	1184	440	1438	1392	4590	8377		
1969-70	4859	390	1990	1425	833	1097	466	933	797	3716	6307		
1968-69	4563	219	1263	1258	885	1306	513	1007	842	2951	5365		

* First year of operation of Bay St. George Community College.

THIRD PART: TERRITORIES

NORTHWEST TERRITORIES*

General Statement: Education in the Northwest Territories of Canada

1387 The Northwest Territories stretches across the northern part of Canada above the 60th parallel of latitude and covers a land area of 1.3 million square miles. In this vast area live approximately 49,000 people in 75 widely-scattered communities which vary in size from 100 to 10,000 residents. Fifty-six percent of the population are Native (Dene or Inuit) or of Native descent.

1388 Although the Northwest Territories does not have provincial status within the Confederation of Canada, the administration and governmental structures presently in place have been assigned provincial-type powers by way of the Northwest Territories Act, which is an Act of the Parliament of Canada. Section 13 of the Act states that "the Commissioner-in-Council may, subject to this Act and any other act of the Parliament of Canada, make ordinances ... in relation to ... education in the Territories". Such an ordinance, making provision mainly for the basic schooling, has been part of the statutes in force since Canada assumed responsibility for the governance of the Territories in 1870.

1389 Prior to 1945, schooling was provided, with minimal federal financial support, by Christian religious denominations and, while their efforts were considerable, their services reached only a small percentage of the residents. The peoples indigenous to this area had no formal institution for the instruction of the young. Theirs was a nomadic way of life and the knowledge, values and skills necessary to function in that type of society were transmitted informally and orally in the home, on the trail or in other communal activities. The schooling that the missionaries had in mind did not fit into this lifestyle and, as a consequence, they erected residential schools, gathered children into them and provided instruction in academic and occupational subjects.

1390 After 1945, the federal government accepted the responsibility for the provision of facilities and services with the objective of providing basic literacy programs to all children within a period of 15 years. By 1967, when the seat of government for the Northwest Territories was established in Yellowknife, this had, in the main, been achieved. To the newly-created Department of Education was assigned the task of raising the level of literacy and thereby facilitating full participation in contemporary life.

1391 In 1984, there were more than 75 modern schools located in the Territories with a kindergarten to grade 9 program available in most of the communities. The schools were staffed by more than 700 fully-qualified teachers and they served more than 12,000 school-age children. Education is free from kindergarten to grade 12 and is compulsory between the ages of 6 and 16. Financial assistance for post-school education and training is available to residents on a merit basis.

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* Report prepared by the Government of the Northwest Territories (N.W.T.).

ARTICLE 13: RIGHT TO EDUCATION

A. Principal laws, etc.

The basic provisions for the delivery of the education program in the Northwest Territories are contained in the following documents: the Northwest Territories Act; the Northwest Territories Education Ordinance; the Student Financial Assistance Ordinance; the Northwest Territories Teachers' Association Ordinance; the Collective Agreement: N.W.T. Teachers' Association; the N.W.T. Apprentices and Tradesmen Ordinance; and the Public Service Ordinance of the N.W.T. 1392

B. Measures taken to promote the full realization of the right of everyone to education.

Facilities are available in the home community of each student for providing a basic education to each resident student between the ages of 6 and 16 years. Kindergarten programs for five-year olds are available in most of the schools. Basic literacy programs are offered in all schools and graduation from a high school will enable a student to pursue further studies in post-secondary vocational, technical or academic programs. Optional programs at the junior and senior high school levels place emphasis on practical prevocational skills which will enable students, who do not complete a full high school program, to acquire the skills necessary to enter the labour market. Community-based adult education programs are available to those residents who, for one reason or another, do not possess the necessary skills to participate successfully in a wage-oriented economy. Emphasis is placed not only on the acquisition of the knowledge needed to make decisions with respect to a life-style and a worthwhile occupation, but also on the development of the understanding of the meaning, responsibilities, and benefits of responsible citizenship at the local, national and international levels. 1393

C. Right to primary education

(1)[2] Section 96 of the N.W.T. Education Ordinance defines a "child" as a person who is between the ages of six and fifteen years of age. The section goes on to state that "every parent, guardian or other person having charge of a child shall cause the child to attend school during the academic year in which the child is resident in an education district in which a school is operating". 1394

The N.W.T. education system has the capacity to accommodate each child resident in the N.W.T. and section 96 confirms the right of the child to enter the system and places the responsibility for ensuring attendance on the parent or guardian. 1395

Sections 72 to 74 make provision for "programs of special education designed to provide assistance to students who are unable or unlikely to be served to advantage by the regular education program". If such a program cannot be provided in the local school, provision is made for the program to be provided, at no cost to the child or parents, in a special school within the Territories or at a special school or institution outside the Territories. 1396

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2. The numbers in bold character at the beginning of most paragraphs of this text refer to the corresponding headings of the guidelines provided by the Secretary-General.

1397 **(2)** All children resident in the N.W.T. have access to primary education.

1398 **(3)** Primary education is free to all resident children and section 97 of the Education Ordinance states that "no tuition fees shall be charged for the attendance in any N.W.T. school of a student whose parent or guardian is a resident in the Territories".

1399 **(4)** There is legal provision for the right of access to programs; the problems identified relate more to devising an acceptable approach to the enforcement of regular attendance at school.

D. Right to secondary education

1400 **(1)** Access to secondary education is not a legal right under the N.W.T. Education Ordinance. However, provision is made for secondary education in its different forms and such education is available and accessible to qualified and eligible students without charge. Within the Territories, secondary schools are provided on a regional basis and, where necessary, residential facilities are included.

1401 **(2)** Technical and vocational programs in selected occupational categories are provided in regional high schools on a certificate or diploma basis. Depending on the courses chosen, graduates may proceed to trade schools or to post-secondary technical institutes. There is only one technical/vocational institute located within the Northwest Territories. However, generous financial assistance is available to enable students to enrol in approved institutes located in the provinces.

1402 **(3)** Although the provision of free secondary education is not stated in law, it is in fact provided free of charge to all resident students who enrol voluntarily and who apply themselves successfully to the requirements of the programs offered.

E. Right to higher education

1403 **(1)** There are limited higher education facilities in the N.W.T. and the majority of graduates from secondary schools enrol in institutions located in the provinces of Canada. There are no entry restrictions to these institutions and students who meet the entrance requirements normally gain admittance. Continued access is contingent upon adequate achievement in the program.

1404 **(2)** Financial assistance for higher education is available to all applicants who meet the eligibility criteria for the institution to which they apply. Assistance is in the form of a grant, a loan, a scholarship or a combination of these. Students who have taken the required schooling in the schools of the N.W.T. are eligible for a grant to cover the cost of tuition, books and transportation to and from the institution. A loan is available to cover living and accommodation expenses. Resident applicants who do not meet the N.W.T. schooling requirements are eligible for a student loan to assist them in meeting the expenses of post-secondary education. There is no means test for parents and no student contribution is required. Students of Dene or Inuit ancestry receive all of their assistance in the form of a grant.

F. Right to fundamental education

The right to free fundamental education is not expressed in law but public funds are provided to local education authorities (section 79, Education Ordinance), to enable them to establish programs of study to further basic literacy, foster and develop cultural and creative activities, improve home management practices, and expand the range of life-skills required to cope with contemporary society. 1405

Adult educators and home management specialists are stationed in communities on a short or long-term basis and deliver basic literacy and home management courses in the communities. 1406

G. Development of a system of schools

(1) See the Education Ordinance and the Programs and Services Manual. 1407

(2) The Government of the Northwest Territories administers an established system of schools and other education facilities to serve the resident population of 49,000 people. Finances for facilities, staff and materials are appropriated annually for this purpose by the Legislative Assembly. Modern school buildings, qualified teachers and appropriate educational materials are available in each community. The Ordinance provides for the creation of education districts and for the election of local residents to school committees and boards. Professional direction is provided by qualified Superintendents of Education appointed either by local jurisdictions or by the Department of Education. Programs offered enable graduates to enter post-secondary institutions of higher learning or trade/technical schools. 1408

H. Establishment of an adequate fellowship system

(1) The principal laws are the Education Ordinance and the Student Financial Assistance Ordinance. 1409

(2) The Student Financial Assistance Ordinance provides for affirmative action to support the efforts of students of Dene and Inuit ancestry. In addition, on the basis of achievement, it provides for scholarships at the post-graduate level. 1410

(3) Difficulties arise - for Dene and Inuit students - not on the basis of access to further education but rather in retaining these students as they progress through the school system. Whether the removal of the financial barriers will substantially increase participation in higher education remains yet to be demonstrated. 1411

I. Improvement of the material conditions of teaching staff

(1) Teachers in schools and existing post-secondary institutions are employed under the Public Service Ordinance of the N.W.T. Teachers must contribute to the Public Service Superannuation Plan of Canada which provides them with a generous pension entitlement. The N.W.T. Teachers' Association Ordinance provides for voluntary membership on the part of teachers and enables them to levy membership fees to be used for organizational and professional improvement purposes. 1412

1413 (2) The N.W.T. Teachers' Association is the bargaining agent for the teachers. The Collective Agreement with the Government of the N.W.T. determines the material benefits for the teachers and also provides for the establishment of a Professional Improvement Fund.

1414 (3) The Department of Education encourages teachers to become involved in the formulation of educational plans and to participate in the development of programs. Public funds are provided to assist in the organization of conferences for professional improvement and to provide allowances for teachers who are granted educational leave. The formation of school-based curriculum development committees is encouraged and limited funds are provided for regional conferences.

J. Right to choice of school

1415 (1) The principal law is the Education Ordinance.

1416 (2) Section 47 of the Education Ordinance makes provision for the establishment of minority schools based on membership in the Christian religions of Roman Catholicism and Protestantism. Sections 81 and 82 provide for the establishment of private schools but such schools must have the prior approval of the Minister of Education.

1417 (3) At this date, the only schools in the Northwest Territories are those established and operated by the public authorities. However, sections 54-59 of the ordinance make provision for the use of Native languages in the school program and encourage the development of curriculum materials which will reflect the ethnic and cultural variation evident in the Northwest Territories. A special language fund was created in 1982 which will fund community projects aimed at the development of materials for use in the schools and which will place special emphasis on the use of Native languages.

1418 A Teacher Education Program has been in operation for several years and bilingual fluency is a condition for entry. Upon completion of the program, graduates are issued teaching certificates.

1419 Non-certificated classroom assistants fluent in the Native language of the community work under qualified teachers in the kindergarten and primary programs.

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

1420 Primary education is compulsory and free of charge for all residents of the Northwest Territories. Secondary education is not compulsory but is available free of charge to all residents. Generous financial assistance is available to all eligible residents for higher education.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

1421 Of the 49,000 people resident in the Northwest Territories, 28,000 are Native and 21,000 are non-Native. Within the Native group, 11,000 are Dene (Indian) and 17,000 are Inuit (Eskimo).

The Education Ordinance, sections 57-59, makes provisions for the recognition of ethnic and cultural variation within the school program. At the community level the local education authority shall determine the language of instruction for kindergarten and primary school programs. Bilingual classroom assistants are placed in schools to facilitate instruction. 1422

A Ministry of Culture has been established within the Government of the N.W.T. and a policy in support of cultural activities is being formulated. Limited public funds are available for incorporated societies which promote cultural programs. 1423

Part I of the Official Languages Ordinance now recognizes seven Native languages as official aboriginal languages of the Northwest Territories and allows for wider recognition and use of aboriginal languages for official purposes. 1424

The Government of the N.W.T. does not operate any radio or television facilities but an increasing number of programs relevant to the North and its people are appearing on national broadcasting facilities. An Inuit Broadcasting Corporation has been formed to foster training and production programs. Public funds are available to subsidize Native Communication Societies which in turn publish newspapers and newsletters in support of ethnic objectives. 1425

An Historical Advisory Board has been established under the Historical Resources Ordinance to advise the Government of the N.W.T. on: 1426

(a) the establishment of museums;

(b) the acquisition, marking and commemoration of places and sites of prehistoric or historic significance;

(c) the administration, preservation and maintenance of historic places and museums; and

(d) the creation and administration of a Territorial Public Archives.

A Science Advisory Board has been established under the Science Advisory Board Ordinance and it is the duty of the Board to: 1427

(a) assess the scientific, engineering and technological resources, requirements and potential of the Territories against the need for scientific, engineering and technological advice required by the Council to help solve the social and economic problems in the Territories and achieve the social and economic goals of the people of the Territories;

(b) initiate such investigations as are necessary to accomplish the duties set out in paragraph (a);

(c) recommend research and development programs to aid in the solutions of social and economic problems and to aid in achieving social and economic goals;

(d) advise the Council on any matter referred to in paragraphs (a) to (c), and subject to such confidentiality restrictions as may be placed on the Board by the Council, publish the results of these assessments, investigations and advice.

YUKON[1]

ARTICLE 13: RIGHT TO EDUCATION

A. Principal laws, etc.

1428 The authority to provide educational services to the residents of Yukon is derived from the Yukon Act, 1898, section 16, which gives to the territorial government the same constitutional powers with respect to education as given to the provinces which joined Confederation subsequent to 1867.

1429 The Yukon Department of Education has the responsibility for public schools, which include Catholic separate schools, adult industrial training and continuing education, French language training, Native languages curricula and libraries and archives. There is legislation at both the federal and territorial level which affects the department and includes the School Act[2] and School Act Regulations, the Student Financial Assistance Act, the National Training Act (federal), the Trade Schools Regulation Act, the Apprentice Training Act, and the Access to Information Act.

1430 In addition, the department is governed in its relationship with its employees by policy and contract. The two major government contracts that impact upon the department are the Yukon Teachers' Association and the Government of Yukon Agreement, and the Territorial Public Service Alliance and Government of Yukon Collective Agreement. The Public Service Commission Act also affects employee-employer relationships.

B. Development of understanding, tolerance and friendship among all racial, ethnic and religious groups

Orientation for new teachers in Yukon

1431 For several years, attempts have been made to make new teachers aware of indigenous Indian culture and values before they begin teaching in the North. The Yukon Teachers' Association, the Council for Yukon Indians, and the Yukon Department of Education have all worked in a concerted effort to provide a relevant introduction and orientation for new teachers in Yukon. The following are some of the programmes offered in recent years: Native language training; a presentation by the Kluane Tribal Brotherhood on "Acquiring an Awareness of Yukon Indian Culture and Values"; guest lectures from the Centre for Cross-Cultural Studies at the University of Alaska in "Effectiveness Techniques for Teachers in Cross-Cultural Situations"; appearances by various band members to explain their role in the school's affairs - Chief, Band Counsellor, Remedial Tutor, Cross Cultural Co-ordinator and Indian Language Instructor.

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1. Report prepared by the Government of Yukon.

2. The statutes of Yukon are called "acts" by virtue of the Act to Amend the Interpretation Ordinance, adopted by the Assembly of Yukon and assented to March 30, 1982. Previously they were called "ordinances".

Teacher Training Program

The northern parts of the provinces and both territories have had a problem in attracting and retaining suitable teachers, even when there is a large number of unemployed teachers in the provinces. Yukon still has some difficulty in retaining teachers - especially in the smaller schools. To overcome some of the problems associated with the placing of teachers trained in southern Canada in northern classrooms, in 1978, the Yukon Government commissioned the University of British Columbia to offer a teacher training programme in Whitehorse for northern residents. 1432

Besides providing a bona fide day-time university course, the programme has encouraged the University of British Columbia to expand its offerings of summer credit courses for teachers. Courses in cross-cultural education, linguistics and reading have been attended by teachers from both Yukon and the Northwest Territories, as well as members of the general public. 1433

Social Studies Programme

All students in Yukon schools are offered social studies as part of their curriculum. The Programme investigates man as a social and cultural being and begins in the early years, as a study of man's most basic unit - the family. The child is first encouraged to study man's relationship with other family members, and to investigate the social and geographic community he or she lives in. As the child progresses in grade levels, his/her social studies will include the study of those factors which may contribute to the development of larger and more complex societies. Each grade level attempts to expand the child's comprehension of the world and, by the study of individual countries and cultures, encourages a mutual respect for all racial, ethnic or religious groups. 1434

C. Right to primary education

Compulsory education

Pursuant to section 27(1) of the School Act, children in Yukon are not required to attend kindergarten. However, kindergarten is offered in all elementary schools, and regardless of the size of enrollment, every kindergarten receives the same basic supplies. The philosophy and teaching practices employed in the early years of school take into account the needs of both Indian and non-Indian children. Particular emphasis has been placed on developing the child's language skills and on using the community's environment to assist in the child's learning. A considerable amount of money has been spent in supplying basic learning materials, especially the manipulative and concrete types. 1435

There is also a Child Development Centre which works with children up to the age of six. The Yukon Government is represented on the Board of Directors and provides some funding for the Centre. 1436

Section 29(1) of the School Act requires children who have attained the age of six years and eight months on or before the first day of September in any year to attend school on every school day from the first day in September of that year until the last school day in June in the year in which they attain the age of sixteen years. Children who have attained the age of six years and eight 1437

months after the first day of September in any year can start attending school in the succeeding year.

1438 The Yukon Government has established elementary schools in every community. Section 37(2) of the School Act provides that, where a pupil's home is more than two miles by the nearest passable road from the designated school he attends, the Commissioner shall provide transportation for the pupil to and from the school and the pupil's home, or an allowance in lieu of transportation, or accommodation, or an allowance in lieu thereof, or provide education by correspondence. This provides access for virtually every child in Yukon to primary education without the necessity of leaving his/her home or community.

Special projects and programmes in operation in Yukon schools

(1) Teaching of Indian languages

1439 All of the Indian children entering school in Yukon speak English as their primary language. However, the Department of Education has embarked on a comprehensive programme of teaching the local Native dialect in those schools where the parents are willing to support such a programme.

1440 The Yukon Native Languages Programme is funded by the territorial government but administered by the Council for Yukon Indians. The project employs specialists such as linguists, Tlingit specialists, Kluane specialists, folklorist-historians, and trainees. The project workers are working in the following broad areas: conducting basic scientific work on all Yukon Native languages in order to develop a practical alphabet for them or to modify existing alphabets to encompass local dialects; developing dictionaries and educationally sound teaching materials for the languages; assisting in the implementation of Native language programmes in the classrooms; training Native Yukoners to read and write their languages; recording and transcribing traditional stories, legends and local history which may be edited for use in the classroom.

(2) French immersion programme

1441 As part of a five year programme funded by the federal government, French immersion classes were initiated in two Yukon communities at the kindergarten and grade 1 levels in 1980. This programme has been expanded to higher grades on a gradual basis. Basic French language training becomes a mandatory component of the curricula from grade 5 to 9; students must take either French, or a Native language if offered, and a second language is offered as an elective at the high school level.

(3) Textbooks, teacher guides, and audiovisual materials

1442 Although Yukon generally follows the British Columbia curriculum, there is significant scope for Yukon content.

1443 There are community study kits for each community as well as a number of books and materials used in Yukon classrooms on a daily basis. Examples include: My Stories are My Wealth - a collection of stories by three Yukon Native women; Athapaskan Women Lives and Legends; Settlement Patterns in Yukon; Oh To Be a Placer Miner - 1976 (grades 4-5); Early Yukon Cultures - 1975 (grade 4); How the World Began - A Yukon Teacher's Guide to Northern Mythology - 1981 (grade 10).

(4) Cultural programmes

In several schools, the band council or the Indian Cultural Education Society provides instruction in the traditional Indian ways - carving, beading, Indian dancing or trapping. The instructors are paid by the Department of Education with a classroom teacher often supplying a good deal of support and impetus to the particular programme. 1444

(5) Innovative grants

In 1978, the Government of Yukon, under the aegis of the Education Council, established an Innovative Grants Scheme to encourage teachers to devise projects which would either complement or supplement the present curriculum. The project is supervised by a committee comprising representatives of the Education Council, the Yukon Teachers' Association, and the Department of Education. 1445

(6) Support staff for special needs children

(a) Learning Assistants Programme

Learning assistants are certified teachers who provide diagnostic testing and create individualized programmes specific to the needs of those children referred to them. Learning assistants are assigned to various schools, dependent on the need at a particular time. 1446

(b) Remedial Tutor Programme

Several years ago, the Council for Yukon Indians, the Society for Children with Learning Disabilities, and the Yukon Department of Education embarked on a programme of hiring local workers - mostly Indian people - to provide help to children in the basic skills areas and also to provide an identity figure for some of the children. Many of the tutors are status or non-status Indian people, and all tutors have been offered a six-month period of full-time para-professional training conducted in Yukon by the University of British Columbia. 1447

(c) Teacher-Aide Programme

A teacher-aide provides instruction particular to an individualized programme developed by the teacher or another specialist. The teacher-aide may work with the special needs child in his or her own home preparing the child for entry into the school system, or may work with the child within the confines of the school facility. 1448

In adherence to the philosophy of the Yukon Government that all educational services be delivered to the child as close to his or her community as possible, and in the least restrictive environment, the attempt is always made to keep as many children as possible in non-segregated learning environments. For those students who cannot function full-time in the mainstream, the Teacher-Aide Programme provides an excellent opportunity for them to benefit from periods of partial segregation or temporary periods of full segregation. 1449

(d) Programme for Gifted/Talented/Creative Children

1450 In recognition that there are exceptional students whose needs cannot be met within the context of the regular school instructional programme, the Department of Education has initiated programming for gifted/talented/creative children. Pilot projects are being conducted over the 1984-85 school year to provide for the development of appropriate programme delivery procedures and curricula. Gradual programme expansion through all the grades is anticipated in the coming years.

(7) Community education liaison co-ordinators

1451 This programme was set up to help improve the communication between the home and the school and to provide counselling services for Indian pupils. The co-ordinators are employed by the local band with general supervision being provided by the Band Advisors (Education) of the Council for Yukon Indians.

(8) Speech pathologists and audiologists

1452 Speech pathologists and audiologists are available, when there is a need, for testing and aiding children with speech or auditory problems and impediments.

Children covered by primary education

1453 All Yukon children are covered by primary education although there are a small number of students who, for various reasons, refuse to take advantage to this opportunity.

Free primary education

1454 The Government of Yukon offers free education through the Department of Education for all Yukon children. Those students who wish to take advantage of an alternate programme to that which is offered by the department must incur the cost, in most cases, themselves.

Problems encountered

1455 Although elementary schools exist in all Yukon communities, a child with special needs may find it necessary to move to a larger centre, either in Yukon or in one of the provinces, in order to secure appropriate educational training. The population base of the territory and the distances between the communities make it economically unfeasible to establish a variety of specialized training centres.

D. Right to secondary education

(1) Accessibility of secondary schooling

1456 Although the Yukon Government has established elementary schools in every community, some of these settlements are too small to support a high school. Therefore, the territory operates one dormitory with placement for 20 individuals, and the federal government operates a residence for 130 students who must live away from home to attend various schools in the larger community of Whitehorse.

The dormitories also offer temporary accommodation for those students who must come to Whitehorse to pick up a required course for future studies when that course is not offered in their home community.

In addition, correspondence courses, pursuant to section 37(2) of the School Act, are a viable alternative for many students who do not want to leave their home environment. Provisions have even been made in some instances for a tutoring system by telephone for students in outlying communities. 1457

(2) Vocational and technical training

All high school students are given the opportunity to take technical and vocational courses. "Career and Vocational Needs in Yukon Schools", a 1980 report undertaken by the Department of Education, made the following recommendations: the Yukon public school system must ensure that every student (including early school leaver), leaves the public schools prepared for one of the following possibilities: immediate entrance into the job market with a specific saleable skill, or entrance into a post-secondary institution, or a combination of both; the Department of Education must accept the responsibility for the planning and implementation of career and vocational educational programmes in Yukon schools; vocational education programmes must be planned and revised with the cooperation of the members of the business and labour community, taking into consideration the short and long term supply and demand of the Yukon labour market; career and vocational programmes must take into account the cultural difference within the school population; female and male students must have equal access to all career and vocational education programmes. 1458

In compliance with these recommendations, the government has developed an accreditation programme to make it possible to receive credit towards programmes offered at the Yukon College, and, in some cases, towards an apprenticeship certification programme for some technical courses taken at the high school level. 1459

The Yukon College has mobile training units which travel to communities on a rotation basis, bringing specific trade courses to the rural areas. The mobile units are utilized by high school age students during the day, and adults during the evenings. 1460

(3) Free secondary education

The Department of Education offers a programme of free education to all primary and secondary students in the territory. Both private and dormitory accommodations are adequately subsidized for those students who must leave their home area to pursue their high school education, and there are no charges for necessary correspondence courses taken by students. Transportation costs to and from the home community are also provided by the Yukon government pursuant to Section 37(2) of the School Act. 1461

E. Right to higher education

(1) Accessibility of higher education

An Educational Master Plan has been developed for Yukon College. The decision has been made to develop the College in three construction phases spanning 1462

approximately six years. As the College awaits funding, the Educational Plan is updated to reflect a growing clarity in programme planning and development.

1463 Programmes at Yukon College are open to any student who meets the residency and academic requirements of these institutions. There are no restrictions which prevent qualified Yukon students from attending post-secondary institutes outside of the Territory.

(2) Financial assistance

1464 A comprehensive system of financial support has been developed by the Yukon Government to assist Yukon students attending eligible post-secondary institutions.

1465 The Students' Financial Assistance Committee, pursuant to the Students' Financial Assistance Act, recommends to the Minister the students eligible for receipt of financial assistance, and the type and amount of such assistance. The Yukon Government provides financial aid in the form of a grant rather than a loan. A number of scholarships and awards also come under the jurisdiction of the Committee and, as well, the Committee administers the Canada Student Loans Plan established by the Government of Canada.

1466 Up until recently, grants allocated under this Act went to students who wished to attend post-secondary institutions which were necessarily out of the Territory. However, with the establishment of Yukon College students may now apply for the grant and remain in the Territory.

1467 Those individuals who enter the Industrial Training Program at Yukon College do so either as fee paying students or as students under the sponsorship of The Canada Employment and Immigration Commission.

1468 Every fee paying student is eligible to apply to the Department of Education for financial assistance and this assistance is awarded in accordance with the individual's family status, i.e., dependent child, single adult, etc. Although this assistance is considered a training subsidy, in reality, it can often pay for the student's entire education at the school because this subsidy often totals more than the tuition fees, and room and board expenses through the school dormitory. Transportation costs between communities are also covered by the Yukon government.

1469 Sponsored students are either given a subsidy by the federal government or collect unemployment insurance during the school year.

F. Right to fundamental education

Adult literacy programmes

1470 Basic Training and Skill Development Courses are offered for those students who wish to upgrade their literacy level anywhere from a grade 5 level to a grade 10 level. These courses are individualized so that each student progresses at his or her own rate and include vocabulary, reading, comprehension, language usage, writing and reference skills, mathematics, geometry, measurement and algebra.

College Preparation Courses, which are basically an upgrading programme from a grade 10 to a grade 12 level, are available on an individualized basis according to training needs. Again the individual is allowed to progress at his or her own rate. 1471

A third programme, the General Education Development Course, gives a student, upon completion, a grade 12 equivalency. Although this certification is not accepted by all post-secondary institutions in Canada, it does qualify a student to enter several colleges and universities. 1472

All of the above programmes are offered through the Yukon College as well as in classroom centres in two other communities. Although many students leave their home communities to participate in these courses, several communities have Community Learning Centres which allow students to complete these same courses at their own speed with the help of a tutor. These centres serve as points of local focus for adult education, offering part-time or full-time upgrading, vocational and career counselling and co-ordination of general adult education services. 1473

G. Development of a system of schools

While Part IX of the School Act makes provision for the establishment of district school boards, no such boards have been formed in Yukon. The Department of Education acts as the administrative co-ordinator of the educational system throughout Yukon. On behalf of the government, the department has responsibility for ensuring that all children within the Territory receive an adequate education and its goals and objectives are set in consultation with those advisory groups mentioned below. 1474

Part V of the School Act provides for the establishment of school committees and outlines election procedures and school committees duties. As the school committees do not have fiscal responsibility (this and other administrative duties are handled by the Department of Education), their powers are outlined as advisory under section 72. However, these "advisory" powers now include participation on the interviewing team for the hiring of the school administrators (i.e., principal and vice-principal). The school committee makes a recommendation to the superintendent on which candidates should be hired. 1475

In addition to the individual school committees, there is an education council. The council consists of eight members: the Minister of Education appoints two (this allows the minister to ensure balanced representation of minority groups on the Council); the other six members are elected by the school committees on a regional representation basis. 1476

The duties of the council include: considering and advising the Minister on all matters affecting education; reviewing and assessing the validity of the aims and objectives of the educational system and advising the Minister of its views and recommendations in that regard. The council may, as it considers advisable and with the approval of the Minister, initiate studies of matters related to education in the Territory; it shall submit its findings and the recommendations arising from those studies to the Minister. 1477

I. Improvement of material conditions of teaching staff

1478 The material conditions of teachers are negotiable under Part VIII of the School Act, and the Collective Agreement between the Government of the Yukon Territory and the Yukon Teachers' Association is a direct result of this right.

Provisions for continuing education

(1) Professional development

1479 Each year the Department of Education allocates an amount to be administered by the Yukon Teachers' Association for the purpose of promoting the professional development of employees through their attendance at educational seminars, summer school and related activities.

(2) Educational leave

1480 Teachers with a minimum of five consecutive instructional years are eligible to apply for educational leave with pay for a period of one year.

Salaries

1481 The School Act, section 101, provides that a Teacher Qualification Board shall be established which will have the jurisdiction to decide the category of certificate of qualification to be assigned to any teacher.

1482 The Collective Agreement stipulates that a teacher's salary shall be dependent on a combination of the salary category and the number of years of teaching experience. Teachers are eligible for a yearly increment subject to a minimum of eight months full-time instruction.

1483 The Yukon Bonus is available to those teachers who have completed a minimum of one year of continuous service. The bonus consists of either a cash sum or economy return air fare from Yukon to Edmonton or Vancouver for the teacher and his or her family.

Working conditions

1484 The Yukon Government regularly conducts studies and surveys of provincial school districts to ensure that Yukon teachers function under comparable course loads and pupil-teacher ratios.

Participation in the preparation of curriculum and teaching materials

1485 Yukon follows the British Columbia curriculum, for convenience and because there really are not that many major differences among provincial curricula. However, the curriculum has a great degree of flexibility for Yukon adaptations.

1486 All teachers are encouraged, whenever possible, to include local supplementary materials that fit into the over-all pattern of the curriculum and yet do not destroy the logical sequence of activities.

Course development within the department of education

The British Columbia Curriculum guide recommends a list of text books and approaches that will fulfill the objectives of a particular course. Prior to any decision concerning the adoption of a course, the Yukon curriculum's branch involves committees of teachers in piloting the various options and then making a selection for the schools. 1487

Innovative grants

Innovative grants are also available for teachers, and they provide funds for local programme development. Other programmes, such as outdoor education programmes involving hunting and trapping, have been developed by teachers on their own. 1488

Joint Consultation Committee

Article 29 of the Collective Agreement provides that a "Joint Consultation Committee shall be established consisting of two representatives of the Yukon Teachers' Association and two representatives appointed by the employer, to consider matters related to the application of the salary schedules, payment of salaries, educational leave, professional improvement and other matters of mutual interest to the parties". 1489

J. Right to choice of school

Principal laws

In accordance with section 29(2)(c) of the School Act, a child is not required to attend a public school where "in the opinion of the Superintendent, the child is receiving satisfactory instruction at home or elsewhere". 1490

Right of parents to ensure religious and moral education

Section 5 of the School Act provides that the Commissioner may establish Yukon schools at any place in the Territory, exclusively or mainly for the education of children not of the Roman Catholic faith, or for the education of children of the Roman Catholic faith. 1491

There are both Catholic and non-Catholic schools in Yukon. In one community where there is only one public school facility, but a substantial number of Catholic students, Catholic teachers are hired in a direct ratio to the number of Catholic students enrolled. There are also four separate religious groups each of which operate a private school in Yukon under the provisions of section 29(2)(c) of the School Act. 1492

Native language provisions

Native Indian languages are offered under the Yukon Native Languages Programme in those schools where there is parental support for such a programme. A student could be subsidized, however, to attend a school in another district if his or her particular dialect was not taught in the home community. 1493

K. Liberty to establish and direct educational institutions

Principal laws

1494 Section 29(2)(c) of the School Act makes provision for the Superintendent to monitor alternate educational facilities for students at the primary or secondary level. However, no legislation exists which prevents the establishment of a post-secondary institute.

ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

1495 The School Act provides for compulsory education for those individuals between the ages of six and sixteen.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

Principal laws

1496 The Archives Act, the Historic Sites and Monuments Act, and the Dawson Historic Sites and Grants Act all provide a means by which information and artifacts of the early culture of the Territory can be preserved. The Recreation Development Act provides regulations with respect to government funding of cultural societies. The Lotteries Act also provides for an additional source of funding.

1497 There is no restrictive legislation with respect to cultural activities or their pursuit within the Territory.

Funds for the promotion of cultural activities

1498 Cultural societies registered pursuant to the Societies Act and composed of not less than two social associations or affiliated member clubs or organizations located in different communities in the Territory are eligible to apply to the Yukon Recreation Advisory Council for an administrative grant for the purpose of: administration of that association; conducting a Yukon championship or equivalent; travel for extra-territorial competition; a special project that is of Territorial or regional significance. (Recreation Development Act, section 4)

1499 Any individual group, club, or other organization may apply for a grant under the Yukon Lotteries Act, providing the grant request is for a purpose consistent with the orderly development of culture in Yukon. All applications are approved on their own merit and must fall within the priorities of the applying communities or territorial associations.

Cultural programmes and services

Libraries

1500 The Whitehorse Public Library operates under government funding and has, throughout the Territory, 18 affiliated branches. An efficient interlibrary rotation programme provides access for community residents to virtually all

publications available through the central library. The Audio-Visual Department also offers its resources to Territorial residents and accommodates special orders and requests through its interlibrary loan programme with the other provinces.

Museums

Museums in the Territory are operated by private societies but funding is available for maintenance and minor capital expenditures through the Department of Heritage and Cultural Resources. 1501

Art programmes

The Yukon Government operates one art gallery where admission is free to the public. Twelve separate showings are offered each year - some of which honour local inhabitants, and some of which promote national or international artists. These showings are transported to smaller communities in the Territory whenever possible. 1502

Permanent art collection

A permanent collection of Yukon art is now being amassed by the Department of Heritage and Cultural Development. Consideration is given to those pieces which reflect a Yukon theme, or to pieces which have been created by local artists. 1503

Artists-in-the-School Programme

This programme offers an opportunity for local artists to enter Yukon schools and practise their art. The programme allows teachers to supplement their art programme by adding variety and new ideas through professional artists. 1504

Children Art Display Programme

Children's art work submitted by schools throughout the Territory is displayed on panels in the Government building. This programme provides the children with their own mini-art gallery, gives the students an incentive to produce good art work and makes the adults who view the work realize the quality of art being produced in the Territory. 1505

Inter-provincial exhibition-exchange

Yukon artists are provided an opportunity to display their works or talents in a variety of interprovincial exhibitions and/or exchanges in which the Recreation Branch is involved, e.g., cultural programmes of the Canada Games or the Arctic Winter Games, heritage festivals, Canada Week activities, etc. 1506

Performing Arts on Tour

In co-operation with the Yukon Arts Council, the Recreation Branch contracts and provides a concert series. This series includes a variety of acts performed throughout the Territory from September through May. 1507

School concert workshops

1508 As an off-shoot of Performing Arts on Tour, artists are contracted to present workshops in all Yukon schools. This programme is designed to enhance the school's music programme and expose the students to different musical instruments as well as new concepts in music.

Outreach Programme

1509 Artists are contracted to instruct workshops for both adults and school students in their particular discipline throughout the Territory.

Art education

1510 From kindergarten to grade 6, students are offered a variety of arts and crafts programmes as part of their curriculum. From grade 7 to grade 12, fine arts are offered as an elective course and, should a student wish to pursue post-secondary training in this field, he or she is eligible for funding under the same requirements and restrictions as any other academic pursuit.

Difficulties encountered

1511 Although the various programmes established to date attempt to promote popular participation in cultural activities, there is a need for capital expenditures to help develop and promote local artists.

B. Right to enjoy the benefits of scientific progress and its applications

Principal laws

1512 There is no territorial legislation concerning an individual's right to enjoy the benefit of scientific progress and its applications. However, permits are issued under both the Scientists and Explorers Act (section 2(1)) and the Regulations for the Protection and Care of Archeological Sites in Yukon Territory (section 5) to those persons who wish to conduct on site investigations or research on heritage or archeological artifacts in the Territory.

1513 Policy dictates that local inhabitants of any area, where research or archeological digs are requested, are informed and, should it be determined through consultations with the Department of Renewable Resources, the Department of Heritage and Cultural Resources, or the local residents that the environmental or social impact of the research will have a serious negative impact, the permit will be refused.

1514 Under the Scientists and Explorers Act, section 2(2), the Commissioner may, at any time, for any cause that to him seems sufficient, extend, review, alter or revoke a licence issued under section 2(1).

1515 The Regulations for the Protection and Care of Archeological Sites in Yukon Territory provide, in section 7, that no permit shall be issued for the removal or excavation of any structure or thing that, in the opinion of the Minister, may be permanently preserved in site as an object of scientific or historic interest.

C. Protection of moral and material interests of authors

There is no restrictive legislation with respect to the right of any individual to write or publish any scientific, literary or artistic production of which he or she is the author. No censorship board exists in the Territory and the only other legislation which may have any bearing on an author's material is the Copyright Act adopted by the Parliament of Canada. 1516

D. Steps taken for the conservation, the development and the diffusion of science and culture

Under the School Act and School Act Regulations, both science and fine arts courses constitute a portion of each student's curriculum. Biological and physical sciences are offered from grades one to nine. High school students are given the options of taking biology, chemistry, physics, geology, environmental sciences or computer sciences. Arts and crafts courses are offered to students in the kindergarten to six level and fine arts are elective courses for students in junior and senior high school. Students are encouraged, in the same manner as for any other discipline, to pursue post-secondary training in these fields. 1517

E. Right to the freedom of scientific research and creative activity

Principal laws

The Scientists and Explorers Act and the Regulations for the Protection and Care of Archeological Sites in Yukon Territory contain specific provisions with respect to heritage or archeological exploration in the Territory. 1518

A report must be supplied to the Government of Yukon providing the following information: full details of the work performed including details of any stratification or other chronological evidence encountered; a descriptive catalogue of all specimens collected; copies of all photographs taken, land maps and plans made in connection with the work, together with explanatory notes; and such other information or material as the Minister may prescribe. The information is subsequently stored in the territorial archives which provide access to the information to any interested party. 1519

APPENDIX I

International Covenant on Economic, Social and Cultural Rights

THE STATES PARTIES TO THE PRESENT COVENANT,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous

improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(c) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. *(a)* All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social

Council for consideration in accordance with the provisions of the present Covenant.

(b) The Secretary-General of the United Nations shall also transmit the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(*a*) Signatures, ratifications and accessions under article 26;

(*b*) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

Télégrammes : UNATIONS, GENÈVE
Télex : [illegible]
Téléphone : [illegible]
RÉF. N°: C/SO 221/912
(à rappeler dans la réponse)

Palais des Nations
CH-1211 GENÈVE 10

APPENDIX II

GENERAL GUIDELINES FOR REPORTS ON ARTICLES 13-15 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

prepared in accordance with resolution 1988 (LX) of the Economic and Social Council

I. GUIDELINES FOR REPORTING ON ALL THE RIGHTS RECOGNIZED IN ARTICLES 13-15 OF THE COVENANT

A. In accordance with Articles 16 and 17 of the Covenant and with the programme set forth in resolution 1988 (LX) of the Economic and Social Council, Governments of the States Parties to the Covenant are requested to report, by 1 September 1981, on the rights covered in Part III, Articles 13-15 of the Covenant. As stated in Articles 16 (1) and 17 (2) of the Covenant, Governments are invited to report on "the measures that they have adopted and the progress made in achieving the observance of the rights recognized" in these articles, and to indicate any "factors and difficulties affecting the degree of fulfilment of their obligations under these articles".

B. It is suggested that in this third series of reports, Governments should describe the basic conditions prevailing in their countries as well as the basic programmes and institutions relevant to the rights dealt with in Articles 13-15, and that they should stress the developments regarding these conditions, programmes and institutions which have taken place since the entry into force of the Covenant, i.e. since 3 January 1976.

C. Where relevant information has previously been furnished to the United Nations or to a specialized agency - for instance under the system of periodic reports on human rights established by resolution 1074 C (XXXIX) of the Economic and Social Council or in reports under the relevant instruments of UNESCO - it will not be necessary to

reproduce this information, but a precise reference to the information so furnished, preferably with indications of the relevant documents, will suffice.

D. It will be appreciated if copies of the principal laws, regulations, collective agreements and court decisions mentioned in the reports are attached.

E. In accordance with operative paragraph 2 of Council resolution 1988 (LX), the States Parties are requested, in reporting on the rights covered by Articles 13-15, to give attention to the matters dealt with in Parts I and II (Articles 1 to 5) of the Covenant, namely:

(1) The right of peoples to self-determination, as recognized in Article 1 of the Covenant;

(2) Measures taken to guarantee the exercise of the rights covered by Articles 13-15 without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2 (2));

(3) To what extent non-nationals are guaranteed the rights dealt with in Articles 13-15;

(4) Measures taken under Article 3 of the Covenant to ensure the equal rights of men and women to the enjoyment of the rights set forth in Articles 13-15;

(5) Limitations which may have been imposed upon the exercise of the rights set forth in Articles 13-15, the reasons therefor, and safeguards against abuses in this regard, with copies of the relevant laws, regulations and court decisions (Articles 4 and 5).

II. ARTICLE 13: RIGHT TO EDUCATION

A. Principal laws, administrative regulations, collective agreements, court decisions and other arrangements relevant to the right of everyone to education in its various aspects, as set out in Article 13.

B. Measures taken to promote the full realization of the rights of everyone to education with a view to achieving:

(1) The full development of the human personality and the sense of its dignity;

(2). The strengthening of respect for human rights and fundamental freedoms;

(3) The development of human rights teaching;

(4) The effective participation of all persons in a free society;

(5) The promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups;

(6) The furtherance of the activities of the United Nations for the maintenance of peace.

C. Right to primary education

(1) Measures taken to achieve the full realization of the right of everyone to receive compulsory and free primary education, including special provisions relating to specific groups such as young girls, children of low income groups, children in rural areas, children who are physically or mentally disabled, children of immigrants and of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children belonging to indigenous sectors of the population;

(2) Percentage of children covered by primary education;

(3) Extent to which primary education is free;

(4) Factors and difficulties affecting the degree of realization of this right and progress achieved.

D. Right to secondary education

(1) Measures aimed at making secondary education in its different forms generally available and accessible to everyone;

(2) Measures aimed at making technical and vocational secondary education generally available and accessible to everyone;

(3) Plans and legal provisions adopted or proposed in order to achieve the progressive introduction of free secondary education for all, with reference to problems encountered therein;

(4) Factors and difficulties affecting the degree of realization of this right.

E. Right to higher education

(1) General and specific measures taken to make higher education equally accessible to all, on the basis of capacity;

(2) Practical steps taken to provide financial and other assistance to students in higher education, including measures directed at the progressive introduction of free higher education;

(3) Factors and difficulties related to making higher education equally accessible to all, including, in particular, problems of discrimination.

F. Right to fundamental education

(1) General and specific measures taken to encourage and intensify fundamental education for persons who have not received or completed the whole period of their primary education, for example details of adult literacy programmes;

(2) Factors and difficulties affecting the implementation of this right, including information on specific and disadvantaged groups, particularly in rural areas, for which appropriate measures have not yet been fully implemented;

(3) Statistical data showing the evolution in the realization of the right to fundamental education.

G. Development of a system of schools

(1) Principal laws, administrative regulations and collective agreements designed to promote the development of a system of schools at all levels;

(2) Comprehensive schemes and practical measures taken to develop a system of schools, such as the provision of finance, the building of schools and the provision of educational material;

(3) Statistical and other comparative data relating to the development of a system of schools at all levels;

(4) Factors involved and difficulties encountered.

H. Establishment of an adequate fellowship system

(1) Principal laws, administrative regulations and collective agreements designed to establish an adequate fellowship system for all types of education;

(2) Measures taken or proposed, including reference to programmes of affirmative action designed to overcome obstacles such as all forms of discrimination or poverty;

(3) Factors involved and difficulties encountered.

I. Improvement of the material conditions of teaching staff

(1) Principal laws, administrative regulations and collective agreements and other types of arrangements designed to continuously improve the material conditions of teaching staff;

(2) Measures adopted in the public and private sectors, including those relating to working conditions, salaries, social security, career possibilities and continuing education for teaching staff;

(3) Extent to which teachers and their organizations are able to participate in the formulation of educational plans, both national and in the educational establishment in which they are employed and the preparation of curricula and teaching materials;

(4) Factors and difficulties affecting improvement of the material conditions of teaching staff.

J. Right to choice of school

(1) Principal laws, administrative regulations, collective agreements and court decisions relating to the promotion of the right of parents and legal guardians to choose for their children schools other than those established by the public authorities;

(2) Measures taken or proposed in order to promote the right of parents to ensure the religious and moral education of their children in conformity with their own convictions;

(3) Measures taken or proposed in order to promote respect for this right, including the opportunity to attend a school where teaching is in the native language;

(4) Factors and difficulties affecting the degree of realization of the right.

K. Liberty to establish and direct educational institutions

(1) Principal laws, administrative regulations and collective agreements designed to prevent interference with the liberty of individuals and bodies to establish and direct educational institutions, in accordance with Article 13 (4) of the Covenant;

(2) Practical measures designed to prevent interference with this liberty.

III. ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE FOR ALL

(1) Principal laws, administrative regulations and other decisions designed to secure in the metropolitan territory, or other territories under the jurisdiction of the reporting State, the principle of compulsory primary education, free of charge for all;

(2) Details of the plan of action, general and specific measures and stages adopted in accordance with Article 14 for the progressive implementation of the principle of compulsory education free of charge for all;

(3) Factors and difficulties affecting the promotion of this principle.

IV. ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

(1) Principal laws, administrative regulations, collective agreements, and court decisions relating to the right of everyone to take part in cultural life, including those aimed at the conservation, development and diffusion of culture;

(2) Practical measures for realization of this right, including:

(a) information on the availability of funds for the promotion of cultural development and popular participation in cultural life, including information on public support for private initiative;

(b) a description of the institutional infrastructure established for the implementation of policies to promote popular participation in culture, such as cultural centres, museums, libraries, theatres and cinemas;

(c) overall policy and specific measures aimed at the promotion of cultural identity as a factor of mutual appreciation among individuals, groups, nations and regions;

(d) an indication of measures and programmes aimed at promoting awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous sectors of the population;

(e) a description of the role of mass-media and communication media in promoting participation in cultural life;

(f) overall policy and specific measures aimed at the preservation and presentation of mankind's cultural heritage;

(g) legislation protecting the freedom of artistic creation and performance, including the freedom to disseminate the results of such activities, as well as an indication of any restrictions or limitations imposed on that freedom;

(h) information on the professional education in the field of culture and art;

(i) any other measures taken for the conservation, development and diffusion of culture.

(3) Factors involved and difficulties encountered.

B. Right to enjoy the benefits of scientific progress and its applications

(1) Principal laws, administrative regulations, collective agreements and court decisions relevant to the promotion of the right of everyone to enjoy the benefits of scientific progress and its applications, including those aimed at the conservation, development and diffusion of science;

(2) Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures to promote a healthy and pure environment and information on the institutional infrastructures established for that purpose;

(3) An indication of measures taken to promote the diffusion of information on scientific progress;

(4) Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the rights to life, health, personal freedom, privacy, etc.;

(5) Any restrictions which are placed upon the exercise of this right, with details of the legal provisions prescribing such restrictions.

C. Protection of moral and material interests of authors

(1) Principal laws, administrative regulations, collective and other agreements and court decisions relevant to the right of everyone to benefit from the protection of moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author;

(2) Information on the practical measures aimed at the full implementation of this right, including provision of the necessary conditions for scientific, literary and artistic activities, and the protection of intellectual property rights resulting from such activities;

(3) Difficulties affecting the degree of realization of this right.

D. Steps taken for the conservation, the development and the diffusion of science and culture

(1) Principal laws, administrative regulations, collective agreements and court decisions designed to conserve, develop and diffuse science and culture at the constitutional level, within the national educational system, and by means of the media of communication.

(2) Information on all other practical steps taken to promote such conservation, development and diffusion.

E. Right to the freedom of scientific research and creative activity

(1) Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote the right of everyone to the freedom indispensable for scientific research and creative activity;

(2) Information on measures designed to promote enjoyment of this right, including the creation of all necessary conditions and facilities for scientific research and creative activity;

(3) Measures taken to guarantee the freedom of exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions;

(4) Measures taken to support learned societies, Academies of Science, professional associations, unions of workers and other organizations and institutions engaged in scientific research and creative activities;

(5) Factors involved and difficulties encountered.

F. Encouragement and development of international contacts and co-operation in the scientific and cultural fields

(1) Principal laws, administrative regulations and collective agreements designed to encourage and develop international contacts and co-operation in the scientific and cultural fields;

(2) Information on measures taken for:

(a) the fullest utilization, by all the States concerned, of the facilities afforded by their adherence to regional and international conventions, agreements and other instruments in the scientific and cultural fields;

(b) participation by scientists, writers, artists and others involved in scientific research or creative activity, in international scientific and cultural conferences, seminars, symposiums, etc.;

(3) Factors and difficulties affecting the development of international co-operation in the scientific and cultural fields.

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